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REVISTA MOLDOVENEASCĂ DE DREPT INTERNAȚIONAL ȘI RELAȚII INTERNAȚIONALE

„Revista Moldovenească de Drept Internațional și Relații Internaționale”, a fost lansată în anul 2006 ca proiecție a unui forum ce promovează valorificarea diferitelor opinii, uneori diametral opuse, cu privire la starea actuală a dreptului internațional și a relațiilor internaționale, familiarizând cititorii săi cu punctele de vedere ale experților și oamenilor de știință din diferite țări, atât din Orient, cât și din Occident.

Revista publică articole cu *acces liber*, este licențiată de [Creative Commons Attribution 4.0 International Public License](#) (CC BY), este acreditată în Moldova ca o publicație științifică, fiind inclusă în diverse baze de date internaționale: [ROAD \(Directory of Open Access scholarly Resources\)](#), [European Reference Index for the Humanities and Social Sciences \(ERIH PLUS\)](#), [WZB. Social Science Research Center Berlin](#), [CiteFactor](#), [Biblioteca electronică științifică eLIBRARY.RU](#), [Instrumentul Bibliometric Național](#) et al., pentru calcularea factorului de impact și indicele de citare. Revista folosește recenzarea „double-blind reviewing” — (recenzentul nu știe cine este autorul articolului, autorul nu știe cine este recenzent).

Actualmente, publicația este o revistă conceptuală despre diferite domenii ale dreptului internațional și relațiilor internaționale, devenind un centru de atracție pentru forțele de creație, care a obținut recunoașterea publicului și a creat un colectiv larg de autori.

De-a lungul perioadei 2006-2026 în revistă au fost publicate mai mult de 890 de articole a autorilor din peste 25 de țări (Republica Moldova - 477, Ucraina - 86, România - 62, Federația Rusă - 52, Republica Slovacă - 49, Bulgaria - 11, Republica Belarus - 8, Republica Federală Germania - 7, Georgia - 7, Republica Franceză - 6, Republica Polonă - 5, Grecia - 5, Turcia - 5, Azerbaidjan - 4, Regatul Spaniei - 3, Iran - 2, Tadjikistan - 2, Ungaria - 2, Cehia - 1, Cuba - 1, Israel - 1, SUA - 1, Republica Populară Chineză - 1, etc.). Spectrul problemelor examinate a devenit extrem de larg. O atenție sporită este acordată elucidării problemelor teoretico-practice din domeniul dreptului internațional și al relațiilor internaționale.

MOLDAVIAN JOURNAL OF INTERNATIONAL LAW AND INTERNATIONAL RELATIONS

The „[Moldavian Journal of International Law and International Relations](#)” was launched in 2006 as an open forum for different, sometimes diametrically opposite points of view on the current state of international law and international relations, acquainting its readers with the views of scientists and experts from different countries, both in the East and the West.

The journal that publishes articles with *open access*, is licensed under [Creative Commons Attribution 4.0 International Public License](#) (CC BY), accredited in the Republic of Moldova as a scientific publication, is included in the international database: [ROAD \(Directory of Open Access scholarly Resources\)](#), [European Reference Index for the Humanities and Social Sciences \(ERIH PLUS\)](#), [WZB. Social Science Research Center Berlin](#), [CiteFactor](#), [Biblioteca electronică științifică eLIBRARY.RU](#), [Instrumentul Bibliometric Național](#) etc., to calculate the impact factor and citation index. The journal uses *double-blind reviewing* — (authors do not know who reviews their paper, and reviewers do not know the names of the authors).

Today it is a conceptual journal about various fields of international law and international relations, which became the centre of attraction of creative forces and managed to find its readers, forming around a wide group of authors.

Over the period 2006-2026 more than 890 articles have been published in the journal, by authors from more than 25 countries (The Republic of Moldova - 477, Ukraine - 86, Romania - 62, The Russian Federation - 52, The Slovak Republic - 49, Bulgaria - 11, The Republic of Belarus - 8, The Federal Republic of Germany - 7, Georgia - 7, The French Republic - 6, Poland - 5, Greece - 5, Turkey - 5, Azerbaijan - 4, Spain - 3, Iran - 2, Tajikistan - 2, Hungary - 2, Czech Republic - 1, Cuba - 1, Israel - 1, USA - 1, The People's Republic of China - 1, etc.). Spectrum of the issues was as broad as possible. Particular attention is given to coverage of theoretical and practical issues of international law and international relations.

МОЛДАВСКИЙ ЖУРНАЛ МЕЖДУНАРОДНОГО ПРАВА И МЕЖДУНАРОДНЫХ ОТНОШЕНИЙ

Издание «[Молдавского журнала международного права и международных отношений](#)» стартовало в 2006 г. как открытая трибуна для различных, подчас диаметрально противоположных точек зрения на современное состояние международного права и международных отношений, знакомя своих читателей с взглядами ученых и экспертов из разных стран, как с Востока, так и с Запада.

Журнал публикует статьи с *открытым доступом* под лицензией [Creative Commons Attribution 4.0 International Public License](#) (CC BY), аккредитован в Молдавии как научное издание, включен в различные международные базы данных: [ROAD \(Directory of Open Access scholarly Resources\)](#), [European Reference Index for the Humanities and Social Sciences \(ERIH PLUS\)](#), [WZB. Social Science Research Center Berlin](#), [CiteFactor](#), [Biblioteca electronică științifică eLIBRARY.RU](#), [Instrumentul Bibliometric Național](#) и др. для учета импакт-фактора и индекса цитирования. В журнале используются двустороннее слепое рецензирование (*double-blind reviewing* — рецензент не знает, кто автор статьи, автор статьи не знает, кто рецензент).

Сегодня это концептуальный журнал о самых различных сферах международного права и международных отношений, который стал центром притяжения творческих сил и сумел найти своего читателя, сформировав вокруг себя широкий авторский коллектив.

За 2006-2026 гг. в журнале было опубликовано более 890 статей авторов из более 25 стран (Республика Молдова - 477, Украина - 86, Румыния - 62, Российская Федерация - 52, Словацкая Республика - 49, Болгария - 11, Республика Беларусь - 8, Германия - 7, Грузия - 7, Французская Республика - 6, Польша - 5, Греция - 5, Турция - 5, Азербайджан - 4, Королевство Испания - 3, Иран - 2, Таджикистан - 2, Венгрия - 2, Чехия - 1, Куба - 1, Израиль - 1, США - 1, КНР - 1, и т.д.). Спектр рассматриваемых проблем стал максимально широким. Особое внимание уделяется освещению теоретических и практических вопросов международного права и международных отношений.

 REVISTA MOLDOVENEASCĂ DE DREPT INTERNAȚIONAL ȘI RELAȚII INTERNAȚIONALE Chișinău, Republica Moldova	Revista Moldovenească de Drept Internațional și Relații Internaționale / Moldavian Journal of International Law and International Relations / Молдавский журнал международного права и международных отношений   2026, Issue 1, Volume 21, Pages 9-18. ISSN 1857-1999 EISSN 2345-1963 Submitted: 19.11.2025 Reviewed 28.11.2025 Accepted: 20.12.2025 Published: 01.01.2026 https://doi.org/10.61753/1857-1999/2345-1963/2026.21-1.01
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**DREPT INTERNAȚIONAL UMANITAR
INTERNATIONAL HUMANITARIAN LAW
МЕЖДУНАРОДНОЕ ГУМАНИТАРНОЕ ПРАВО**

**THE INTERSECTION OF ENVIRONMENTAL LAW AND
INTERNATIONAL HUMANITARIAN LAW IN PROTECTING
ECOSYSTEMS DURING WARFARE**

**INTERSECȚIA DINTRE DREPTUL MEDIULUI ȘI DREPTUL
INTERNAȚIONAL UMANITAR ÎN PROTECȚIA ECOSISTEMELOR
ÎN TIMPUL CONFLICTELOR ARMATE**

**ВЗАИМОДЕЙСТВИЕ ЭКОЛОГИЧЕСКОГО ПРАВА И МЕЖДУНАРОДНОГО
ГУМАНИТАРНОГО ПРАВА В ЗАЩИТЕ ЭКОСИСТЕМ ВО ВРЕМЯ
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ABSTRACT:

**THE INTERSECTION OF ENVIRONMENTAL LAW AND INTERNATIONAL
HUMANITARIAN LAW IN PROTECTING ECOSYSTEMS DURING WARFARE**

Armed conflicts increasingly generate profound and lasting environmental harm, compounding humanitarian crises and intensifying climate-related risks. This paper examines how international humanitarian law regulates the protection of the natural environment during armed hostilities, tracing the evolution of treaty norms, customary principles, and complementary international frameworks. It analyses the responsibilities of states and non-state armed groups to prevent, mitigate, and remedy ecological damage, as well as the emerging role of international criminal law and post-conflict restoration mechanisms. The discussion highlights key legal gaps—particularly the high thresholds of Additional Protocol I and limited rules for non-international armed conflicts—while assessing recent developments such as the ILC Draft Principles and updated ICRC Guidelines. By evaluating both preventive and remedial obligations, the paper underscores the growing recognition that safeguarding the environment is integral to the protection of civilian populations and the rights of future generations.

Key words: international humanitarian law; armed conflict; environmental protection; ecological damage; International Criminal Court; non-state armed groups; post-conflict remediation; Draft Principles; ICRC Guidelines.

JEL Classification: K 33; K 32, F 51; F 64

Universal Decimal Classification: 341; 341.3; 349.6.086(4/9)

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RESUMAT:

**INTERSECȚIA DINTRE DREPTUL MEDIULUI ȘI DREPTUL
INTERNAȚIONAL UMANITAR ÎN PROTECȚIA ECOSISTEMELOR
ÎN TIMPUL CONFLICTELOR ARMATE**

Conflictele armate generează tot mai des daune de mediu profunde și de durată, agravând crizele umanitare și intensificând riscurile climatice. Lucrarea analizează modul în care dreptul internațional umanitar reglementează protecția mediului natural în timpul ostilităților, urmărind evoluția normelor convenționale, principiilor cutumiare și cadrului internațional complementar. Sunt examinate obligațiile statelor și ale grupărilor armate nestatale de a preveni, atenua și remedia daunele ecologice, precum și rolul în creștere al dreptului penal internațional și al mecanismelor de restaurare post-conflict. Discuția evidențiază principalele lacune juridice — în special pragurile înalte din Protocolul adițional I și regulile limitate aplicabile conflictelor armate neinternationale — și evaluează evoluțiile recente, precum Proiectul de principii al CDI și Ghidurile actualizate ale CICR. Lucrarea subliniază că protecția mediului reprezintă o parte esențială a protecției populației civile și a drepturilor generațiilor viitoare.

Cuvinte-cheie: drept internațional umanitar; conflict armat; protecția mediului; daune ecologice; Curtea Penală Internațională; grupări armate nestatale; remediere post-conflict; Proiectul de principii; Ghidurile CICR.

Clasificare JEL: K 33; K 32, F 51: F 64

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РЕЗЮМЕ:

**ВЗАИМОДЕЙСТВИЕ ЭКОЛОГИЧЕСКОГО ПРАВА И МЕЖДУНАРОДНОГО
ГУМАНИТАРНОГО ПРАВА В ЗАЩИТЕ ЭКОСИСТЕМ ВО ВРЕМЯ ВООРУЖЁННЫХ
КОНФЛИКТОВ**

Вооружённые конфликты всё чаще вызывают глубокий и долговременный ущерб окружающей среде, усугубляя гуманитарные кризисы и усиливая климатические риски. В статье рассматривается, каким образом международное гуманитарное право регулирует защиту природной среды во время ведения военных действий, прослеживается развитие договорных норм, обычных принципов и взаимодополняющих международных механизмов. Анализируются обязанности государств и негосударственных вооружённых групп по предотвращению, снижению и возмещению экологического ущерба, а также растущая роль международного уголовного права и механизмов восстановления окружающей среды после конфликтов. Особое внимание уделено ключевым пробелам — высоким порогам применения норм Дополнительного протокола I и ограниченности правил для немеждународных конфликтов. Рассматриваются современные инициативы, включая Проект принципов КМП и обновлённые Руководства МККК. В статье подчёркивается, что выполнение превентивных и восстановительных обязательств имеет решающее значение для защиты гражданского населения и обеспечения прав будущих поколений.

Ключевые слова: международное гуманитарное право; вооружённый конфликт; защита окружающей среды; экологический ущерб; Международный уголовный суд; негосударственные вооружённые группы; восстановление после конфликта; Проект принципов; Руководства МККК.

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Introduction

Armed hostilities across the globe have long generated destructive consequences of many kinds — from loss of life and population displacement to deep social disruption and economic instability. These repercussions undermine not only the safety and well-being of

communities but also inflict long-lasting harm on natural systems, accelerating environmental degradation and intensifying existing climate-related risks.

Serious attention to how well international humanitarian law (IHL) protects the environment began to grow after the 1991 Gulf War. During that conflict, Iraqi troops shelled the Khafji oil storage facility, igniting vast reserves of petroleum. The incident triggered one of the largest oil spills in history, with an estimated eleven million barrels of crude released into the waters of the Persian Gulf.¹

Environment protection during armed conflicts has been recognized as an international priority in recent decades. The principle 5 of the World Charter for Nature states that 'Nature shall be secured against degradation caused by warfare or other hostile activities.'²

This paper examines how international humanitarian law addresses the safeguarding of the natural environment during armed hostilities. It further analyzes what responsibilities both states and non-state armed groups have in reducing ecological damage, strengthening the resilience of affected populations, and preventing further environmental deterioration. The discussion concludes by assessing how such efforts contribute to protecting future generations from the long-term ecological consequences of war.

The intersection of environmental law and international humanitarian law in protecting ecosystems during warfare

A logical starting point is a review of the primary IHL norms relevant to environmental preservation. While the Geneva Conventions of 12 August 1949 do not expressly outline rules dedicated to the protection of nature during conflict, certain obligations can nevertheless be inferred. Core humanitarian principles—such as the understanding that belligerents do not possess unrestricted freedom in selecting methods and means of warfare, and that military actions must respect proportionality—provide a basis for deriving environmental safeguards even in the absence of explicit provisions.

Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I) subsequently set out explicit provisions protecting the environment during armed conflicts.

Article 35 of Additional Protocol I establishes, among other restrictions, a prohibition on the use of warfare methods or means that are designed to, or can reasonably be anticipated to, inflict extensive, long-lasting, and serious harm on the natural environment.³

This provision extends beyond a simple ban on actions that intentionally or accidentally damage ecological systems or indirectly affect human populations. Rather, it affirms the environment as an object of independent protection within international humanitarian law. The norm reflects recognition of the cascading and often cross-border consequences of environmental degradation caused during hostilities, underscoring the inherently transboundary character of such ecological disturbances.

Paragraph 3 of Article 35 includes three cumulative conditions mentioned above that must be met in order to declare a method or means of war unlawful. It is quite challenging to interpret the three adjectives used in Protocol, given that the same words are present in the Convention on the prohibition of military or any hostile use of environmental modification techniques (ENMOD). To mention that the drafters of the ENMOD took every precaution to ensure that the interpretation of the terms "widespread, long-lasting or severe" used in this Convention would not be automatically applied to the Protocol I.

¹ Al-Mebayedh, H., Niu, A., & Lin, C. (2023). Strategies for cost-effective remediation of widespread oil-contaminated soils in Kuwait, an environmental legacy of the first Gulf War. *Journal of Environmental Management*, 344, 118601.

² United Nations General Assembly, World Charter for Nature (UNGA Resolution 37/7, adopted 28 October 1982), principle 5, [On-line:] <https://ejci.orfaleacenter.ucsb.edu/wp-content/uploads/2018/03/1982.-UN-World-Charter-for-Nature-1982.pdf>, (Accessed 18 November 2025).

³ Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I) (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 3, art. 35 para. 3.

The tripartite criteria in Article 35(3)—widespread, long-term, and severe—mirror ENMOD terminology but differ in effect. While ENMOD applies these terms disjunctively, Additional Protocol I requires all three conditions to be met, setting a higher threshold for environmental harm during armed conflict. Article 55 reinforces these obligations, reiterating the combined standard and prohibiting reprisals against the environment. Despite their importance, both provisions have faced critique for limited practical applicability, as many harmful operations do not meet all three conditions, and for their focus on international conflicts, leaving potential gaps in non-international armed conflicts.

In response to the limitations of IHL in protecting the environment identified since the 1991 Gulf War, scholars have advocated for reforms to strengthen legal norms. The ENMOD Convention obliges states to refrain from using environmental modification techniques for hostile purposes that cause widespread, long-lasting, or severe effects, and prohibits assisting or encouraging such actions by others. Unlike Protocol I, which restricts environmental harm only during armed conflict, ENMOD applies in both peacetime and wartime. However, Article 3 of ENMOD has been criticized for vagueness, potentially allowing prohibited military uses to be justified as peaceful. Notably, Protocol II of the Geneva Conventions, governing non-international armed conflicts, does not contain comparable provisions for environmental protection.¹

Another relevant development in the international legal framework is the gradual recognition of severe environmental harm as a matter of individual criminal responsibility. Beyond the provisions of Additional Protocol I, the Rome Statute of the International Criminal Court introduced a specific war crime addressing environmental damage. Rather than merely reproducing the standards found in humanitarian treaty law, the Rome Statute frames environmental destruction as a punishable act when it is committed intentionally and in the context of hostilities, provided that the harm is both substantial and clearly disproportionate to the military advantage expected. This formulation reflects a shift toward holding individuals—not only states—accountable for ecologically destructive conduct during warfare.

Importantly, the criminalization of such acts serves a different normative purpose than the obligations contained in humanitarian law treaties. International criminal law operates through secondary rules that sanction violations of pre-existing duties. Consequently, the scope of individual liability under the Rome Statute does not alter the broader preventive obligations that states already bear under customary and treaty-based IHL to avoid unnecessary or excessive environmental damage during armed conflicts. Rather, it provides an enforcement mechanism that complements these obligations by offering a pathway for investigating and prosecuting egregious cases of wartime environmental destruction.²

Nonetheless, the effectiveness of Article 8(2)(b)(iv) remains limited. The ICC's jurisdiction is treaty-based³ and relies heavily on state cooperation, while several major powers are not parties to the Statute, undermining global trust and consistent enforcement.

Customary international humanitarian law (CIHL) also should not be disregarded. It not only facilitates the interpretation of the applicable law, but also leads drafters and policy makers in lawmaking and enforcement of law.⁴ In 2005, the International Committee of the Red Cross (ICRC) prepared a comprehensive study on CIHL customary rules.

Customary international humanitarian law also reinforces environmental protection through several rules that articulate general obligations relevant to wartime conduct. Rule 43

¹ Jarose, J. (2024). A Sleeping Giant? The ENMOD Convention as a Limit on Intentional Environmental Harm in Armed Conflict and Beyond. *American Journal of International Law*, 118(3), 468-511.

² Pantazopoulos, S. E. (2024). Navigating legal frontiers: Climate change, environmental protection and armed conflict. *International Review of the Red Cross*, 106(925), 366-392.

³ Rome Statute of the International Criminal Court (adopted 17 July 1997, entered into force 1 July 2002) 2187 UNTS 3, art. 13.

⁴ Vincze, V. The Role of Customary Principles of International Humanitarian Law in Environmental Protection. In: *Pecs Journal of International and European Law*, (II), 2017, p. 19-39.

reiterates fundamental humanitarian principles, including distinction, military necessity, humanity, and proportionality, and these principles extend to safeguarding the natural environment insofar as it is regarded as a civilian object. Rule 44 requires parties to select methods and means of warfare with appropriate regard for environmental conservation, emphasizing the need to take all feasible precautions to prevent or reduce unintended ecological harm. Rule 45 goes further by forbidding the use of military tactics or weapons that are intended, or can reasonably be anticipated, to inflict widespread, long-term, and severe environmental damage, and it clarifies that deliberate environmental destruction cannot be treated as a legitimate method of warfare. In addition to these core customary rules, several other legal regimes contribute indirectly to ecological protection in conflict settings, including the Hague Regulations of 1907, the 1980 Protocol on Incendiary Weapons, and global disarmament treaties such as the Chemical Weapons Convention. Taken together, these norms require states to operationalize their obligations through preventive planning before hostilities occur, through the adoption of environmentally responsible conduct during conflict, and through post-conflict restoration measures that address ecological degradation and support accountability for violations.

In 2025, the ICRC published updated its Guidelines on the Protection of the Natural Environment in Armed Conflict¹, which outline relevant IHL rules, including states and other relevant actors' obligations in this matter.

Complementing these guidelines, the Draft Principles on the Protection of the Environment in Relation to Armed Conflicts, adopted by the International Law Commission in 2022,² provide additional normative guidance. These principles emphasize preventive duties, particularly the obligation of states to avoid actions that could generate a risk of environmental harm prior to the onset of hostilities.

Part Two of the Draft Principles specifically addresses pre-conflict environmental protection. It encourages states to implement a range of measures aimed at mitigating ecological risks in potential conflict scenarios, illustrating approaches without limiting their application to specific examples. Among these measures, states are urged to identify and designate environmentally significant areas as protected zones in the event of armed conflict, including sites with recognized cultural or historical value.

States should also include environmental protection provisions in relation to armed conflict in agreements concerning the military forces presence, addressing prevention, mitigation and remediation of environmental harm.

Once hostilities commence, states are required to implement international humanitarian law standards that limit the choice of weapons and tactics in order to prevent significant environmental harm. Operational planning and execution must carefully weigh military objectives against principles such as distinction between combatants and civilians, proportionality of the attack, and the prohibition of actions likely to produce widespread, long-term, or severe ecological damage.

These responsibilities are embedded in treaty law, including key provisions of Additional Protocol I to the Geneva Conventions, as well as in relevant international instruments addressing environmental modification in warfare. In addition, customary IHL, as identified by the International Committee of the Red Cross, obliges parties to ensure that targeting

¹ International Committee of the Red Cross, Guidelines on the Protection of the Natural Environment in Armed Conflict Rules and Recommendations Relating to the Protection of the Natural Environment under International Humanitarian Law, with Commentary, [On-line:] <https://www.icrc.org/en/document/guidelines-protection-natural-environment-armed-conflict-rules-and-recommendations-relating>, (Accessed 18 November 2025).

² International Law Commission, Draft principles on protection of the environment in relation to armed conflicts, with commentaries (ILC, 2022) [On-line:] https://legal.un.org/ilc/texts/instruments/english/draft_articles/8_7_2022.pdf, (Accessed 07 November 2025).

decisions are lawful, feasible precautions are taken to minimize ecological harm, and methods or means of warfare that pose a high risk of environmental destruction are avoided.

Part Three of the Draft Principles focuses on the protection of the natural environment during active armed conflicts, providing guidance on the operational responsibilities of states and other parties to hostilities. It emphasizes the application of the law of armed conflict to environmental protection in accordance with fundamental IHL principles, including distinction between military objectives and civilian objects, proportionality in the use of force, and the obligation to take all feasible precautions to minimize incidental damage. The Part explicitly reiterates prohibitions on reprisals and pillage, as well as the ban on employing environmental modification techniques, such as deliberate deforestation, water diversion, or ecologically destructive technologies, that are likely to produce widespread, long-term, or severe environmental effects. Additionally, it underscores the need to identify and safeguard areas of particular environmental significance, including wetlands, forests, and protected habitats, thereby reinforcing and operationalizing existing customary and treaty-based IHL norms. By codifying these obligations, Part Three also highlights the intersection between environmental protection and military planning, requiring parties to integrate ecological considerations into targeting decisions and operational strategies to prevent unnecessary environmental degradation.

The 2025 ICRC Guidelines consolidate and clarify state obligations during armed conflicts, providing a structured overview of existing international humanitarian law without introducing new legal norms. Following the cessation of hostilities, states bear the responsibility to restore damaged ecosystems and to hold accountable those responsible for environmental harm.

Part Four of the International Law Commission's Draft Principles on the Protection of the Environment in Relation to Armed Conflicts focuses on situations of occupation, outlining the environmental obligations of states and other relevant actors in territories under foreign control. It specifies measures for the protection, management, and sustainable use of natural resources during periods of occupation.

Under these principles, states bear the responsibility to ensure that business enterprises operating in occupied territories exercise appropriate due diligence regarding environmental protection. This duty extends to promoting sustainable development practices, including the responsible and environmentally conscious exploitation of natural resources.

The guidelines further emphasize the implementation of concrete environmental protection measures, aimed at preserving ecosystems and minimizing ecological harm in accordance with broader norms of international law and humanitarian law. This section is distinct from the rules governing active hostilities (Part Three) and the post-conflict obligations addressed in Part Five, highlighting the unique legal and practical considerations that arise in occupied territories.

Part Five of the Draft Principles further elaborates these post-conflict duties, emphasizing the need to incorporate environmental restoration into broader peacebuilding processes. States are expected to ensure transparency and access to relevant environmental information, collaborate on post-conflict ecological assessments, and implement remedial measures to mitigate the impact of warfare.

In addition, states have an obligation to provide reparation and compensation for environmental damage, which may include establishing dedicated compensation funds or other forms of relief. They must also take measures to safely remove or neutralize hazardous remnants of war, including toxic substances and unexploded ordnance, both on land and at sea, to prevent ongoing or future risks to ecosystems and human health.

Environmental harm often has lasting or irreversible effects, making reparation a key aspect of state responsibility. Restoring or maintaining ecosystems requires significant investment in technical resources and expertise to ensure their functional viability. However, pursuing environmental claims is inherently challenging, as it demands rigorous evidence

demonstrating both the existence and magnitude of the damage and a clear causal link to the alleged unlawful act. Frequently, such claims fail due to insufficient baseline data and the difficulty of attributing specific environmental degradation to particular actions.

For instance, in *Pulp Mills on the River Uruguay* (Argentina v. Uruguay), Argentina challenged Uruguay's approval of pulp mill construction along the Uruguay River, arguing that the mills would degrade water quality and damage shared ecosystems. The ICJ found that Uruguay had breached procedural obligations by failing to notify and consult through the joint river commission (CARU), but it did not find conclusive evidence of substantive environmental harm.¹ The Court notably recognized that an environmental impact assessment constitutes a duty under general international law and stressed that due diligence must guide decisions on industrial technology in order to prevent pollution.²

Another illustrative case is the *Gabčíkovo-Nagymaros Project* (Hungary/Slovakia), in which Hungary suspended a dam-building project on the Danube due to serious environmental concerns. The Court held that both Parties should renegotiate in good faith, taking into account environmental law developments; it specifically recommended that they "look afresh at the effects on the environment ... and find a satisfactory solution ... for the volume of water to be released ... into the side-arms of the river."³

More recently, in its advisory opinion on climate change (July 2025), the ICJ articulated binding obligations of states grounded in treaty law, customary international law, and general legal principles. The Court affirmed that states must cooperate in good faith, apply due diligence to prevent significant transboundary harm, and adopt precautionary measures to reduce greenhouse gas emissions.⁴ It also confirmed the obligation to protect the climate system as a shared global resource and interpreted transboundary environmental harm as a well-established principle of international law.⁵

A notable precedent in effective state damage reparation is the United Nations Compensations Commission created as a subsidiary United Nations Security Council organ to process claims and pay compensations for damage suffered as a result of Iraq's invasion and occupation of Kuwait and ended its mandate in 2022.

A relevant precedent is the Eritrea–Ethiopia Claims Commission, established under the Algiers Agreement of 12 December 2000, which ended the 1998–2000 conflict between Eritrea and Ethiopia. The Commission was empowered to arbitrate "all claims for loss, damage or injury ... resulting from violations of international humanitarian law." Among its claims, Ethiopia sought over US \$1 billion for environmental damage, including loss of gum-arabic plants, trees, and wildlife. Ultimately, however, the Commission rejected many of these environmental claims due to insufficient evidence. In 2009, the Commission issued its final awards: Ethiopia received ~US \$174 million, and Eritrea ~US \$161 million.⁶

An important example of systematic state reparation for environmental and other damages is provided by the United Nations Compensation Commission, established as a

¹ *Pulp Mills on the River Uruguay* (Argentina v. Uruguay) — ICJ Judgment, breach of procedural obligations. [On-line:] <https://www.icj-cij.org/node/101867>, (Accessed 18 November 2025).

² ICJ recognized environmental impact assessment as a duty and due diligence in *Pulp Mills*. [On-line:] <https://www.asil.org/insights/volume/14/issue/9/pulp-mills-river-uruguay-international-court-justice-recognizes>, (Accessed 18 November 2025).

³ *Gabčíkovo Nagymaros Project* (Hungary/Slovakia) — ICJ Judgment on environmental and treaty obligations. [On-line:] <https://www.icj-cij.org/node/101335>, (Accessed 18 November 2025).

⁴ ICJ Advisory Opinion on Climate Change, July 2025 — duty to prevent transboundary harm, cooperative and precautionary obligations. [On-line:] <https://www.iisd.org/articles/deep-dive/icj-advisory-opinion-climate-change>, (Accessed 18 November 2025).

⁵ On customary duty to prevent? The Court affirmed a generalized due diligence obligation to avoid significant environmental harm. [On-line:] <https://blogs.law.columbia.edu/climatechange/2025/08/17/when-custom-binds-all-states-reflections-on-customary-international-law-in-the-icj-climate-advisory-opinion>, (Accessed 18 November 2025).

⁶ Eritrea-Ethiopia Claims Commission Awards Final Damages. [On-line:] <https://opiniojuris.org/2009/08/19/eritrea-ethiopia-claims-commission-awards-final-damages>, (Accessed 18 November 2025).

subsidiary organ of the UN Security Council to process claims arising from Iraq's invasion and occupation of Kuwait. The Commission functioned to evaluate claims and disburse compensation for losses incurred and completed its mandate in 2022, representing a unique model of post-conflict accountability and reparations.

While international humanitarian law primarily imposes obligations on states, non-state armed groups (NSAG) are also required to avoid tactics that cause environmental degradation, to protect civilian populations, and to cooperate with mechanisms aimed at accountability and mitigation of ecological harm. NSAG obligations derive from Article 3 common to the Geneva Conventions¹ and, where applicable, from Additional Protocol II, as well as from customary international humanitarian law applicable to non-international armed conflicts.

In operational terms, NSAG must refrain from employing methods or weapons that are likely to produce widespread, long-term, or severe environmental damage, consistent with the principles of distinction, proportionality, and precaution under IHL. Prior to initiating an attack, they are required to take all feasible measures to verify that a targeted portion of the natural environment constitutes a legitimate military objective and to assess whether striking a lawful target could result in excessive incidental harm to the surrounding environment.

Non-state armed groups have also incorporated ecological considerations into their internal codes of conduct. For example, the Kurdistan Workers' Party (PKK), in its 2011 Rules for the Conduct of War, prohibits the intentional destruction of forests and bans the use of incendiary or incendiary-like weapons—such as napalm or phosphorus—that would severely disrupt ecological balance.² Similarly, the Ogaden National Liberation Front (ONLF) has committed itself in its doctrine to resisting any initiatives that “negatively impact our environment,” framing environmental stewardship as a national duty for future generations.³ In the case of the Sudan People's Liberation Movement/Army (SPLM/A), a 1991 resolution mandates the protection and sustainable development of wildlife resources “for us and for posterity,” thereby embedding the principle of intergenerational equity.⁴

Beyond limiting direct environmental damage, NSAG are also expected to preserve evidence, facilitate environmental assessments, and cooperate with investigative mechanisms, thereby supporting accountability and discouraging future ecological harm. In some contexts, armed group activities may inadvertently reduce environmental pressures—for example, by restricting access to forests by state forces, settlers, or extractive industries. The Revolutionary Armed Forces of Colombia (FARC) institutionalized mechanisms for regulating land use, controlling cultivation, and limiting environmentally destructive practices such as crude oil exploitation and fishery with explosives.⁵

Post-conflict environmental protection requires a comprehensive approach that integrates long-term remediation, enforcement of liability for ecological damage, and sustainable recovery strategies. These measures aim to mitigate enduring ecological impacts and ensure that ecosystems are preserved for the benefit of future generations. Although international humanitarian law does not explicitly articulate obligations concerning intergenerational

¹ Geneva Convention Relative to the Treatment of Prisoners of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 135, art. 3.

² PKK Rules for the Conduct of War: forests must not be destroyed; use of napalm, lava, phosphorus, or weapons that create ecological destruction is prohibited. [On-line:] <https://international-review.icrc.org/articles/greener-insurgencies-engaging-nsags-to-protect-environment-during-niacs-914>, (Accessed 18 November 2025).

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⁵ Danish Institute for International Studies, ‘How Non-State Armed Groups Engage in Environmental Protection’ (DIIS, 2023), [On-line:] <https://www.diis.dk/en/research/how-non-state-armed-groups-engage-in-environmental-protection>, (Accessed 18 November 2025).

environmental protection, such duties can be inferred from existing IHL norms and complementary international legal instruments.

The preamble of the Draft Principles emphasizes the critical importance of safeguarding the environment for current and future generations. While the Principles themselves are not legally binding, they carry significant normative weight and serve as a persuasive appeal to states to integrate ecological considerations into their policies. A parallel position was advanced by the Second World Conservation Congress of the International Union for Conservation of Nature, which urged UN member states to adopt a Martens-type clause for environmental protection, thereby acknowledging humanity's enduring responsibility as stewards of the natural world for successive generations.¹

Conclusion

The protection of the natural environment during armed conflict has evolved into a clear expectation of the international legal order, even if significant normative and practical gaps remain. Contemporary IHL, supported by complementary regimes and emerging jurisprudence, recognizes that warfare cannot be conducted without regard for ecological integrity or the long-term well-being of affected populations. Although existing treaty rules often set high thresholds and lack comprehensive coverage—especially in non-international conflicts—their underlying principles have catalyzed broader duties of prevention, accountability, and restoration. Growing state practice, the work of international bodies, and even commitments by some non-state armed groups demonstrate that environmental safeguards are becoming an integrated element of responsible conduct in war. Ensuring their consistent application is essential not only for limiting immediate harm, but also for preserving the ecological conditions on which future generations depend.

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МЕЖДУНАРОДНОЕ ПУБЛИЧНОЕ ПРАВО**

**COLABORAREA DINTRE UNIUNEA EUROPEANĂ ȘI REPUBLICA MOLDOVA
ÎN DOMENIUL SECURITĂȚII ȘI APĂRAREA COMUNĂ**

**COLLABORATION BETWEEN THE EUROPEAN UNION AND THE REPUBLIC
OF MOLDOVA IN THE FIELD OF SECURITY AND COMMON DEFENCE**

**СОТРУДНИЧЕСТВО МЕЖДУ ЕВРОПЕЙСКИМ СОЮЗОМ И РЕСПУБЛИКОЙ
МОЛДОВА В ОБЛАСТИ БЕЗОПАСНОСТИ И СОВМЕСТНОЙ ОБОРОНЫ**

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ABSTRACT:

**COLLABORATION BETWEEN THE EUROPEAN UNION AND THE REPUBLIC
OF MOLDOVA IN THE FIELD OF SECURITY AND COMMON DEFENCE**

The evolution of the partnership between the Republic of Moldova and the European Union in the field of security reflects a gradual and coherent transformation of the national public policy framework, oriented towards integration into the European security and defence space. All strategic documents adopted by the Moldovan authorities — starting with the National Security Strategy, the National Programme for the Accession to the European Union, as well as the implementation plans of the Association Agreement — converge towards the same objective: strengthening institutional capacity, increasing resilience, and aligning national instruments with European mechanisms.

This scientific endeavour aims to highlight the main regulations and actions supporting the Republic of Moldova – European Union partnership. The role of the European Union goes beyond financial and technical assistance, becoming a framework of strategic convergence for institutional modernization and the strengthening of Moldova's resilience. Through its instruments, the European Union contributes to the professionalization of the security sector, the modernization of the regulatory framework, and the institutionalization of a security culture based on European values – democracy, the rule of law, and respect for fundamental rights.

Keywords: security, European Union, neighbourhood, cooperation.

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РЕЗУМАТ:
COLABORAREA DINTRE UNIUNEA EUROPEANĂ ȘI REPUBLICA MOLDOVA
ÎN DOMENIUL SECURITĂȚII ȘI APĂRAREA COMUNĂ

Evoluția parteneriatului dintre Republica Moldova și Uniunea Europeană în domeniul securității reflectă o transformare graduală și coerentă a cadrului național de politică publică, orientată spre integrarea în spațiul european de securitate și apărare. Toate documentele strategice adoptate de autoritățile moldovene, începând cu Strategia națională de securitate, Programul Național pentru Aderarea la Uniunea Europeană, precum și planurile de implementare ale Acordului de Asociere, converg spre același obiectiv: consolidarea capacității instituționale, creșterea rezilienței și compatibilizarea instrumentelor naționale cu mecanismele europene.

Prezentul demers științific își propune să scoată în evidență principalele reglementări și acțiuni de susținere și parteneriat Republica Moldova – Uniunea Europeană. Rolul Uniunii Europene depășește sfera asistenței financiare și tehnice, transformându-se într-un cadru de convergență strategică pentru modernizarea instituțională și consolidarea rezilienței Republicii Moldova. Prin instrumentele sale, Uniunea Europeană contribuie la profesionalizarea sectorului de securitate, modernizarea cadrului normativ și instituționalizarea unei culturi a securității bazate pe valori europene – democrație, stat de drept și respectarea drepturilor fundamentale.

Cuvinte cheie: securitate, Uniunea Europeană, vecinătate, cooperare.

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РЕЗЮМЕ:
СОТРУДНИЧЕСТВО МЕЖДУ ЕВРОПЕЙСКИМ СОЮЗОМ И РЕСПУБЛИКОЙ
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Эволюция партнёрства между Республикой Молдова и Европейским Союзом в области безопасности отражает постепенное и последовательное преобразование национальной системы публичной политики, направленной на интеграцию в европейское пространство безопасности и обороны. Все стратегические документы, принятые молдавскими властями — начиная с Национальной стратегии безопасности, Национальной программы по присоединению к Европейскому Союзу, а также планов реализации Соглашения об ассоциации, — сходятся к одной цели: укреплению институционального потенциала, повышению устойчивости и приведению национальных инструментов в соответствие с европейскими механизмами.

Настоящее научное исследование направлено на выявление основных нормативных положений и действий по поддержке и партнёрству между Республикой Молдова и Европейским Союзом. Роль Европейского Союза выходит за рамки финансовой и технической помощи, превращаясь в рамку стратегической конвергенции для институциональной модернизации и укрепления устойчивости Республики Молдова. С помощью своих инструментов Европейский Союз способствует профессионализации сектора безопасности, модернизации нормативно-правовой базы и институционализации культуры безопасности, основанной на европейских ценностях — демократии, верховенстве права и уважении основных прав человека.

Ключевые слова: безопасность, Европейский Союз, соседство, сотрудничество

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Introducere

Procesul de integrare europeană a Republicii Moldova presupune nu doar reforme economice și instituționale, ci și o adaptare progresivă a cadrului juridic în domeniul securității și apărării. Acquis-ul Uniunii Europene în materie de politică externă, securitate și apărare comună (CFSP/CSDP) constituie un set complex de norme, proceduri și bune practici, la care statele

candidate trebuie să se alinieze treptat. Această armonizare este cu atât mai necesară în contextul regional actual, marcat de instabilitate și amenințări la securitatea statelor.

În această ordine de idei, a fost lansat un proces de cooperare mai strânsă în domeniul securității și apărării, în cadrul Strategiei globale a UE pentru politica externă și de securitate. Statele membre ale UE¹ au convenit să consolideze acțiunea UE în acest domeniu și au recunoscut că îmbunătățirea coordonării, investițiile sporite în apărare și cooperarea în dezvoltarea apărării sunt cerințe cheie pentru atingerea obiectivului. Acesta este obiectivul principal al Cooperării Structurate Permanente (PESCO), așa cum se prevede în Tratatul UE, art. 42 (6) și art. 46², precum și în Protocolul nr. 10³. Cu ajutorul PESCO, statele membre UE fac față mai eficient provocărilor de securitate și înregistrează progrese cu succes către integrare și consolidarea cooperării militare a UE.

Acțiunea Comună 2004/551/PESC a Consiliului din 12 iulie 2004 privind instituirea Agenției Europene de Apărare,⁴ oferă un cadru juridic și politic prin care statele membre ale UE care îndeplinesc criterii mai avansate de capacitate militară se angajează în proiecte comune și angajamente obligatorii pentru dezvoltarea apărării europene.

Republica Moldova -Uniunea Europeană și politica de securitate:

Una dintre cele mai importante pentru Republica Moldova colaborări în asigurarea păcii și securității este reglementată de Acordul de asociere între Republica Moldova, pe de o parte, și Uniunea Europeană și Comunitatea Europeană a Energiei Atomice și statele membre ale acestora, pe de altă parte⁵. Astfel, potrivit Acordului părțile doresc ”să dezvolte în continuare un dialog politic periodic pe marginea unor chestiuni bilaterale și internaționale de interes reciproc, inclusiv în ceea ce privește aspecte regionale, ținând seama de politica externă și de securitate comună (PESC) a UE, inclusiv de politica de securitate și apărare comună (PSAC)”⁶.

Acordul între Uniunea Europeană și Republica Moldova de stabilire a unui cadru pentru participarea Republicii Moldova la operațiunile Uniunii Europene de gestionare a crizelor⁷ a reprezentat un punct de pornire important în vederea participării statelor terțe în gestionarea crizelor. În temeiul acestui acord, Republica Moldova beneficiază de aceleași drepturi și își asumă aceleași obligații ca și statele membre ale Uniunii Europene participante la respectivele operațiuni. În cadrul operațiunilor militare de gestionare a crizelor, Republica Moldova este reprezentată de un Înalt Reprezentant Militar, care cooperează cu comandantul forței Uniunii Europene în toate aspectele ce țin de conducerea operației și exercită responsabilitatea directă asupra disciplinei și activității zilnice a contingentului național. În baza acestui cadru, Republica Moldova a decis să contribuie cu personal militar în misiunile Uniunii Europene din Republica Mali și Republica Centrafricană. Prin Decizia Comitetului Politic și de Securitate din 13 mai 2014, privind acceptarea contribuțiilor din partea statelor terțe la misiunea militară a Uniunii Europene în Mali (EUTM Mali), participarea Republicii Moldova a fost oficial confirmată.

În mod similar, Decizia Comitetului Politic și de Securitate din 21 aprilie 2015, referitoare la acceptarea contribuțiilor statelor terțe la misiunea de consiliere militară a Uniunii Europene în

¹ Lefebvre M. Europa ca putere, suveranitate europeană și autonomie strategică. Document de politică, Probleme europene nr. 582, pag.10.

² Tratatul privind Uniunea Europeană, versiunea consolidată, [Online] https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0001.02/DOC_1&format=PDF, (vizualizat la 01.11.2025).

³ Protocolul (nr. 10) privind cooperarea structurată permanentă stabilită prin articolul 42 din tratatul privind uniunea europeană, [Online] <https://eur-lex.europa.eu/legal-content/RO/TXT/HTML/?uri=CELEX:12016E/PRO/10>, (vizualizat la 15.10.2025).

⁴ Acțiunea Comună 2004/551/PESC a Consiliului din 12 iulie 2004 privind instituirea Agenției Europene de Apărare [Online] <https://eur-lex.europa.eu/legal-content/RO/TXT/HTML/?uri=CELEX:32004E0551&qid=1759997628420> (vizualizat la 16.10.2025).

⁵ Acord de asociere cu Republica Moldova, [Online] https://www.legis.md/cautare/getResults?doc_id=83489&lang=ro (vizualizat la 01.11.2025).

⁶ Ibidem, Preambul

⁷ Acord între Uniunea Europeană și Republica Moldova de stabilire a unui cadru pentru participarea Republicii Moldova la operațiunile Uniunii Europene de gestionare a crizelor, [Online] [https://eur-lex.europa.eu/legal-content/ro/TXT/?uri=CELEX:22013A0112\(01\)](https://eur-lex.europa.eu/legal-content/ro/TXT/?uri=CELEX:22013A0112(01)), (vizualizat la 01.11.2025).

Republica Centrafricană (EUMAM RCA, decizia EUMAM RCA/2/2015), a consfințit extinderea participării Republicii Moldova la operațiunile PSAC, confirmând angajamentul constant al țării în sprijinul politicii de securitate și apărare comună a Uniunii Europene¹.

La 22 martie 2021, Consiliul a adoptat o decizie de instituire a Instrumentului european pentru pace², care are drept scop „Consolidarea capacității UE de a preveni conflicte, de a menține pacea și de a întări securitatea internațională” – prin sprijin acordat armatelor și forțelor de securitate ale țărilor partenere³.

Un rol important îl are și Instrumentului de vecinătate, cooperare pentru dezvoltare și cooperare internațională - „Europa globală”⁴ care, *”ar trebui să contribuie la menținerea păcii, la prevenirea conflictelor și la consolidarea securității internaționale, astfel cum se prevede la articolul 21 alineatul (2) litera (c) din TUE”*. Este important de menționat că acest instrument se bazează pe un șir de reglementări internaționale, adoptate sub egida ONU, la care și Republica Moldova este parte (Convenția ONU privind statutul refugiaților, Convenția ONU asupra eliminării tuturor formelor de discriminare față de femei, Convenția cu privire la drepturile copilului a ONU, Programul de acțiune al Conferinței Internaționale pentru Populație și Dezvoltare (ICPD), Platforma de acțiune de la Beijing, Conferința Internațională pentru Populație și Dezvoltare a ONU, Rezoluțiile Consiliului de Securitate al ONU (RCSONU) 1325 (2000) și 1820 (2009) privind femeile, pacea și securitatea)⁵.

Cooperarea în domeniul securității și apărării cu Uniunea Europeană reflectă un parteneriat personalizat cu Republica Moldova. Constatăm că aceasta a început cu lansarea în martie 2022 a Dialogului politic și de securitate la nivel înalt Republica Moldova-UE, precum și cu măsuri practice, cum ar fi măsurile restrictive ale UE din aprilie 2023, având în vedere acțiunile de destabilizare a Republicii Moldova. De asemenea, înființarea Centrului de securitate Republica Moldova-UE⁶ pentru securitatea internă și gestionarea frontierelor s-a dovedit a fi funcțional, un mecanism eficient de cooperare în aplicarea legii între Republica Moldova și instituțiile și statele membre ale UE.

Reieșind din realitățile în care trăim, Republica Moldova, a adoptat Strategia Strategiei naționale de apărare a Republicii Moldova pentru anii 2024–2034, în care reafirmă ”UE își consolidează rolul de furnizor de securitate în regiune prin dezvoltarea politicilor de pace și securitate, creșterea capacităților și consolidarea parteneriatelor externe în domeniul securității și apărării. UE plasează un accent politic sporit și investește resurse considerabile în consolidarea rezilienței statelor membre și a partenerilor, precum și este unul dintre principalii actori care acordă sprijin multidimensional Ucrainei. Intensificarea proceselor de extindere a UE și deschiderea negocierilor de aderare cu noi candidați, cuprinzând și Republica Moldova, sporesc interesul UE de a asigura pacea și stabilitatea în regiune”⁷.

Misiunea de parteneriat a UE în Republica Moldova a fost lansată în mai 2023, prin care Uniunea instituie o misiune civilă de parteneriat a Uniunii Europene în Republica Moldova

¹ Raport: Legislația Republicii Moldova cu privire la sectorul de securitate și apărare națională, [Online] https://www.dcaf.ch/sites/default/files/publications/documents/Nov_2015_compendium_complete_v2.pdf, p. 40, (vizualizat la 01.11.2025).

² Decizia (PESC) 2021/509 a Consiliului privind instituirea Instrumentului european pentru pace, [Online]: <https://eur-lex.europa.eu/legal-content/RO/TXT/HTML/?uri=CELEX:32021D0509>,

³ ibidem

⁴ Regulamentul (UE) 2021/947 al Parlamentului European și al Consiliului din 9 iunie 2021 de instituire a Instrumentului de vecinătate, cooperare pentru dezvoltare și cooperare internațională - „Europa globală”, [Online] <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX:32021R0947>, (vizualizat la 11.11.2025).

⁵ Ibidem, pct. 13

⁶ Ordinul comun nr. 567/93/65/372-0/17 cu privire la Centrul de securitate al Uniunii Europene pentru securitatea internă și gestionarea frontierelor în Republica Moldova, [Online] <https://maisigurinue.md/ro/hub/>, (vizualizat la 12.11.2025)

⁷ Hotărârea Parlamentului Nr. 319 din 26-12-2024 pentru aprobarea Strategiei naționale de apărare a Republicii Moldova pentru anii 2024–2034, [Online] https://www.legis.md/cautare/getResults?doc_id=146655&lang=ro, (vizualizat la 10.10.2025)

(EUPM Moldova) în cadrul politicii de securitate și apărare comune¹. Obiectivele și sarcinile EUPM au la bază intenția prin care să contribuie la îmbunătățirea rezilienței sectorului de securitate al Republicii Moldova în domeniul gestionării crizelor și al amenințărilor hibride, inclusiv în ceea ce privește securitatea cibernetică și contracararea acțiunilor străine de manipulare a informațiilor și a ingerințelor străine. EUPM are două sarcini principale:

- a) consolidarea structurilor de gestionare a crizelor prin: identificarea nevoilor de organizare, formare și echipamente; punerea în aplicare treptată a acțiunilor propuse și a soluțiilor identificate;
- b) consolidarea rezilienței la amenințările hibride prin: consiliere cu privire la strategii și politici pentru contracararea amenințărilor hibride și a acțiunilor străine de manipulare a informațiilor și a ingerințelor străine, inclusiv a identificării dezinformării, îmbunătățirea securității cibernetice, precum și a protecției informațiilor clasificate; consolidarea capacităților de detectare și identificare a amenințărilor într-un stadiu incipient și de răspuns la respectivele amenințări; contribuția la punerea în aplicare a acțiunilor propuse și a soluțiilor identificate².

În mai 2025, în contextul revizuirii strategice a misiunii, Comitetul politic și de securitate (COPS) a convenit că EUPM Moldova ar trebui să fie prelungită până la 31 mai 2027³. Astfel că, potrivit art. 13 „*Valoarea de referință financiară destinată acoperirii cheltuielilor aferente EUPM Moldova pentru perioada 22 mai 2025-31 mai 2027 este de 19 817 594,70 EUR.*”⁴

În activitatea sa de peste doi ani, EUPM Moldova a contribuit la gestionarea crizelor prin aportul semnificativ la crearea unui Centru Național de Gestionare a Crizelor⁵ - care este autoritatea administrativă centrală din subordinea Guvernului care coordonează, la nivel național, ansamblul activităților de management al crizelor în domeniile de prevenire, pregătire, răspuns și recuperare după crize și crize majore⁶.

În același timp, Misiunea a facilitat vizite de studiu în țările UE, a oferit instruire specializată (inclusiv pentru formatori și conducere) și a sprijinit armonizarea legislației moldovenești privind crizele cu standardele UE.

EUPM Moldova a jucat un rol central în înființarea noii Agenții de Securitate Cibernetică⁷ a Republicii Moldovei, sprijinind nu numai structura sa organizațională, ci și capacitatea sa tehnică. Misiunea a furnizat echipamente, a oferit instruire și a promovat o abordare la nivel guvernamental a rezilienței cibernetice. Agenția implementează politica de stat în domeniu și are misiunea de a consolida securitatea cibernetică la nivel național, asigurând un nivel ridicat de securitate pentru rețelele și sistemele informatice ale furnizorilor de servicii esențiale pentru funcționarea societății și a statului⁸.

Prin intermediul unor forumuri precum Forumul de Securitate Cibernetică din Republica Moldova, EUPM a contribuit la ridicarea discursului public și instituțional cu privire la amenințările digitale.⁹

¹Decizia (PESC) 2023/855 a Consiliului din 24 aprilie 2023 privind o misiune de parteneriat a Uniunii Europene în Republica Moldova (EUPM Moldova) [Online] <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=celex%3A32023D0855>, (vizualizat la 09.10.2025)

² Ibidem

³ Decizia (PESC) 2025/943 a Consiliului din 20 mai 2025 de modificare a Deciziei (PESC) 2023/855 privind o misiune de parteneriat a Uniunii Europene în Republica Moldova (EUPM Moldova), [Online] <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=celex%3A32025D0943>, (vizualizat la 12.10.2025)

⁴ Ibidem

⁵ Guvernul Republicii Moldova, comunicat de presă din 10.09.2025, [Online] <https://gov.md/ro/comunicate-de-presa/protectie-mai-buna-situatii-de-criza-crearea-centrului-national-de-management>, (vizualizat la 12.10.2025)

⁶ Hotărâre de Guvern privind crearea și funcționarea Centrului Național de Management al Crizelor, [Online] <https://gov.md/sites/default/files/media/documents/sedinte-de-guvern/2025-09/NU-667-CS-2025.pdf>, (vizualizat la 12.11.2025)

⁷ Hotărârea Guvernului Nr. 1028 din 21-12-2023 cu privire la constituirea, organizarea și funcționarea Agenției pentru Securitate Cibernetică, [Online] https://www.legis.md/cautare/getResults?doc_id=147102&lang=ro#, vizualizat la 12.11.2025)

⁸ Agenția pentru Securitatea Cibernetică, [Online] <https://ncsc.md/about>, (vizualizat la 12.11.2025)

⁹ EU Partnership Mission in the Republic of Moldova (EUPM), [Online] https://www.eeas.europa.eu/eupm-moldova_en?s=410318, (vizualizat la 09.10.2025)

Având în vedere evoluțiile mediului de securitate, obiectivul strategic al Republicii Moldova de consolidare a rezilienței naționale și necesitatea protejării intereselor naționale ale statului și ale cetățenilor săi, politica de securitate națională *”are drept scop protecția valorilor naționale, asigurarea intereselor naționale, garantarea respectării drepturilor și libertăților fundamentale, conform principiilor statului de drept și angajamentelor internaționale ale Republicii Moldova”*, iar principiile sistemului de securitate națională țin de *”convergența standardelor naționale de securitate cu bunele practici internaționale, inclusiv cele ale Uniunii Europene”*, precum și *”armonizarea politicii de securitate națională cu standardele Uniunii Europene și cu obiectivul strategic de aderare a Republicii Moldova la Uniunea Europeană”*¹.

Cooperarea în domeniul securității și apărării cu Uniunea Europeană reflectă un parteneriat personalizat cu Republica Moldova. Constatăm că aceasta a început cu lansarea în martie 2022 a Dialogului politic și de securitate la nivel înalt Republica Moldova-UE, precum și cu măsuri practice, cum ar fi măsurile restrictive ale UE din aprilie 2023, având în vedere acțiunile de destabilizare a Republicii Moldova. De asemenea, înființarea Centrului de securitate Republica Moldova-UE pentru securitatea internă și gestionarea frontierelor s-a dovedit a fi funcțional, un mecanism eficient de cooperare în aplicarea legii între Republica Moldova și instituțiile și statele membre ale UE.

Atât Parteneriatul pentru Securitate și Apărare, cât și MPUE reflectă angajamentul ferm al Uniunii Europene față de securitatea Republicii Moldova și a regiunii, pregătind în același timp integrarea treptată a țării în arhitectura europeană de securitate și consolidând stabilitatea și reziliența în vecinătatea estică a Uniunii Europene².

Ulterior, bugetul Instrumentului European pentru Pace (EPF) pentru Republica Moldova a crescut de la 7 milioane de euro în 2021 la 50 de milioane de euro în 2024, iar Misiunea de parteneriat a UE în Republica Moldova (EUPM) a fost lansată în mai 2023. Acestea au devenit exemple elocvente de cooperare practică profundă și intensivă pe teren. Prin Decizia (PESC) 2024/1049 a Consiliului din 4 aprilie 2024 privind o măsură de asistență în cadrul Instrumentului european pentru pace în sprijinul forțelor armate ale Republicii Moldova³, a fost identificat obiectivul măsurii de asistență, și anume, de a contribui la întărirea capacităților forțelor armate ale Republicii Moldova pentru a consolida securitatea națională, stabilitatea și reziliența în sectorul apărării, în concordanță cu politica generală a Uniunii privind Republica Moldova. Pe baza sprijinului anterior în cadrul IEP, măsura de asistență are drept scop să permită forțelor armate ale Republicii Moldova să-și sporească eficacitatea operațională, să accelereze respectarea standardelor Uniunii și interoperabilitatea și, prin urmare, să protejeze mai bine civilii în situații de criză și de urgență. De asemenea, măsura de asistență vizează consolidarea capacităților Republicii Moldova în ceea ce privește participarea sa la misiunile și operațiile militare ale UE în cadrul PSAC⁴.

Guvernul Republicii Moldova a aprobat Strategia militară a Republicii Moldova pentru anii 2025–2035⁵ face reglementează Obiectivele generale și direcții prioritare de acțiune, astfel că, la *Obiective Generale 3 – Asigurarea integrării în arhitectura de securitate și apărare a Uniunii Europene*, este prevăzută *”integrarea contribuției Forțelor Armate cu efortul strategic general al Republicii Moldova de integrare în UE, prin participarea la consolidarea rolului acesteia de*

¹ Legea privind securitatea națională din 2025, [Online] https://www.legis.md/cautare/getResults?doc_id=150559&lang=ro, (vizualizat la 09.10.2025)

² Kristina Velimirović, Moldova and the EU: a comprehensive overview of security and defence partnership, p. 5, (vizualizat la 11.10.2025) [Online] <https://finabel.org/moldova-and-the-eu-a-comprehensive-overview-of-security-and-defence-partnership/>,

³ Decizia (PESC) 2024/1049 a Consiliului din 4 aprilie 2024 privind o măsură de asistență în cadrul Instrumentului european pentru pace în sprijinul forțelor armate ale Republicii Moldova, [Online] https://eur-lex.europa.eu/legal-content/RO/TXT/HTML/?uri=OJ:L_202401049, (vizualizat la 08.11.2025)

⁴ Ibidem., art. 1, alin (2)

⁵ Strategia militară a Republicii Moldova pentru anii 2025–2035 [Online] https://gov.md/sites/default/files/media/documents/sedinte-de-guvern/2025-10/NU-277-MA-2025_0.pdf (vizualizat la 11.11.2025).

partener activ și de încredere în cadrul mecanismelor instituite în contextul Politicii de securitate și de apărare comune (PSAC)”. Documentul face trimitere și la necesitatea adaptării structurii și a activității structurilor Ministerului Apărării în vederea asigurării conexiunii și a schimbului de informații necesar cu instituțiile, agențiile și organisme UE cu responsabilități în domeniul apărării¹.

Realizarea acestui obiectiv se va baza pe creșterea treptată a reprezentării Forțelor Armate în cadrul structurilor militare ale UE, precum și pe participarea cu expertiză și/sau contingente militare la eforturile desfășurate în cadrul PSAC pentru menținerea păcii și a securității internaționale. Accesarea oportunităților oferite de astfel de mecanisme, cum ar fi Instrumentul European pentru Pace, precum și participarea Republicii Moldova alături de statele membre ale UE la programe comune de achiziții în domeniul apărării vor contribui la îmbunătățirea compatibilității operaționale și la eficiența participării Forțelor Armate în cadrul misiunilor/operațiilor PSAC.

Strategia națională de apărare a Republicii Moldova pentru anii 2024–2034² reprezintă un document de politici publice care reglementează *”asigurarea integrării în arhitectura de securitate și apărare europeană (contribuie direct sau tangențial la implementarea OS 27.1–27.3, 27.5–27.15, 27.17–27.21) se va realiza prin intensificarea dialogului politic și a cooperării practice cu UE pe dimensiunile Politicii Externe și de Securitate Comună (PESC) și ale Politicii de Securitate și Apărare Comună (PSAC) în vederea prevenirii conflictelor și a gestionării crizelor, precum și a asigurării stabilității regionale”³.*

Având în vedere cadrul de cooperare și colaborare dintre Republica Moldova și Uniunea Europeană, în procesul de integrare vor fi valorificate și dezvoltate programele și proiectele de asistență în domeniul securității și apărării oferite prin intermediul inițiativelor și structurilor UE (Facilitatea Europeană pentru Pace (European Peace Facility – EPF), Cooperarea structurată permanentă în domeniul apărării și securității în cadrul Uniunii Europene (Permanent Structured Cooperation – PESCO), Agenția Europeană de Apărare (European Defence Agency – EDA) etc.).

Concluzii:

Republica Moldova beneficiază de sprijin și consultanță din partea Uniunii Europene în eforturile necesare pentru adaptarea cadrului normativ național în perspectiva participării la implementarea inițiativelor europene dedicate dezvoltării de capacități militare și creșterii capacității operaționale. Documentele de politici publice adoptate își propun să valorifice și oportunitățile de efectuare a achizițiilor comune și de colaborare prin intermediul agențiilor europene specializate⁴.

Evoluția parteneriatului dintre Republica Moldova și Uniunea Europeană în domeniul securității reflectă o transformare graduală și coerentă a cadrului național de politică publică, orientată spre integrarea în spațiul european de securitate și apărare. Toate documentele strategice adoptate de autoritățile moldovene, începând cu Strategia națională de securitate, Programul Național pentru Aderarea la Uniunea Europeană, precum și planurile de implementare ale Acordului de Asociere, converg spre același obiectiv: consolidarea capacității instituționale, creșterea rezilienței și compatibilizarea instrumentelor naționale cu mecanismele europene.

Necesitatea asigurării unei colaborări continue cu Uniunea Europeană reiese și din provocările Republicii Moldova în domeniul securității și apărării, care derivă dintr-o combinație de factori interni și externi.

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¹ Ibidem.

² Hotărârea Parlamentului nr. 319 din 26-12-2024 pentru aprobarea Strategiei naționale de apărare a Republicii Moldova pentru anii 2024–2034, [Online] https://www.legis.md/cautare/getResults?doc_id=146655&lang=ro, (vizualizat la 02.11.2025)

³ Ibidem., pct. 29.16

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**DREPT INTERNAȚIONAL PUBLIC
PUBLIC INTERNATIONAL LAW
МЕЖДУНАРОДНОЕ ПУБЛИЧНОЕ ПРАВО**

**EUROPEAN MOLDOVA: A POLISH PERSPECTIVE ON INTERNATIONAL LAW,
SOVEREIGNTY, AND EUROPE'S EASTERN FRONTIER**

**MOLDOVA EUROPEANĂ: O PERSPECTIVĂ POLONEZĂ ASUPRA DREPTULUI
INTERNAȚIONAL, SUVERANITĂȚII ȘI FRONTIEREI ESTICE A EUROPEI**

**ЕВРОПЕЙСКАЯ МОЛДОВА: ПОЛЬСКИЙ ВЗГЛЯД НА МЕЖДУНАРОДНОЕ
ПРАВО, СУВЕРЕНИТЕТ И ВОСТОЧНУЮ ГРАНИЦУ ЕВРОПЫ**

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ABSTRACT:

**EUROPEAN MOLDOVA: A POLISH PERSPECTIVE ON INTERNATIONAL LAW,
SOVEREIGNTY, AND EUROPE'S EASTERN FRONTIER**

As Moldova deepens its relationship with the European Union, it becomes clear that international law is not only about rules and reforms—it also tells a story about belonging. Drawing on Poland's post-1989 experience, this article examines Moldova's European path through the lenses of sovereignty, legal adaptation, and regional diplomacy. As a possible input into ongoing legal discussion, the article argues that Moldova's European integration cannot be reduced to the mechanical adoption of norms; it is better understood as an ongoing conversation between the country's legal identity and its political aspirations at the edge of Europe. The Polish perspective highlights how shared historical transitions shape the legal imagination of small states navigating between independence and interdependence.

Keywords: Moldova, Poland, international law, sovereignty, integration, European Union, frontier

JEL Classification: K33

Universal Decimal Classification: 341.7; 341(4/9).

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REZUMAT:

MOLDOVA EUROPEANĂ: O PERSPECTIVĂ POLONEZĂ ASUPRA DREPTULUI INTERNAȚIONAL, SUVERANITĂȚII ȘI FRONTIEREI ESTICE A EUROPEI

Pe măsură ce Republica Moldova își aprofundează relațiile cu Uniunea Europeană, devine clar că dreptul internațional nu se rezumă doar la reguli și reforme – el spune și o poveste despre apartenență. Inspirându-se din experiența Poloniei de după 1989, articolul examinează parcursul european al Moldovei prin prisma suveranității, a adaptării juridice și a diplomației regionale. Ca posibilă contribuție la dezbateră juridică, studiul susține că integrarea europeană a Moldovei nu poate fi redusă la o simplă adoptare mecanică a normelor; ea trebuie înțeleasă ca un dialog continuu între identitatea juridică a țării și aspirațiile sale politice de la marginea Europei. Perspectiva poloneză evidențiază modul în care tranzițiile istorice comune modelează imaginația juridică a statelor mici care navighează între independență și interdependență.

Cuvinte-cheie: Moldova, Polonia, drept internațional, suveranitate, integrare, Uniunea Europeană, frontier

JEL Classification: K33

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РЕЗЮМЕ:

ЕВРОПЕЙСКАЯ МОЛДОВА: ПОЛЬСКИЙ ВЗГЛЯД НА МЕЖДУНАРОДНОЕ ПРАВО, СУВЕРЕНИТЕТ И ВОСТОЧНУЮ ГРАНИЦУ ЕВРОПЫ

По мере того как Республика Молдова укрепляет свои отношения с Европейским Союзом, становится очевидно, что международное право — это не только правила и реформы, но и рассказ о принадлежности. Опираясь на польский опыт после 1989 года, статья рассматривает европейский путь Молдовы сквозь призму суверенитета, правовой адаптации и региональной дипломатии. В качестве возможного вклада в юридическую дискуссию автор утверждает, что европейская интеграция Молдовы не сводится к механическому переносу норм; её следует понимать как продолжающийся диалог между правовой идентичностью страны и её политическими устремлениями на рубеже Европы. Польская перспектива подчёркивает, как общие исторические переходы формируют правовое воображение малых государств, балансирующих между независимостью и взаимозависимостью.

Ключевые слова: Молдова, Польша, международное право, суверенитет, интеграция, Европейский Союз, граница

JEL Classification: K33

Universal Decimal Classification: 341.29.009(100)

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Introduction – Moldova between Law and Geography

Few countries in today's Europe show as clearly as the Republic of Moldova how law and geography can intertwine. Positioned between the Carpathians and the Dniester, at the crossroads of Latin and Slavic cultures, Moldova has repeatedly had to explain its borders—not only where they lie, but what they mean. Since independence, the country has lived inside a question once discussed mostly in theory: where does Europe end, and where does the post-Soviet world begin? In Moldova, that question is not academic. It shapes daily politics, diplomacy, and even language. Law here works almost like a map—a way to find direction amid shifting sovereignties and inherited memories.

From the standpoint of international law, Moldova meets the classical criteria of statehood established in the 1933 Montevideo Convention: a permanent population, a government, a defined territory, and the capacity to enter into relations with other states.¹ Yet these formal criteria have

¹ Montevideo Convention on the Rights and Duties of States, Dec. 26, 1933, 165 L.N.T.S. 19; see also James Crawford, *The Creation of States in International Law*, 2nd ed. (Oxford: Clarendon Press, 2006), § 2.2.

always rested on something less visible—the continuing act of recognition. For a small country surrounded by larger powers, recognition is never granted once and for all; it has to be renewed through constant engagement. Since 1991, Moldova has sought to turn that engagement into participation, moving from mere legal existence toward an active presence in Europe.

In 1994, the government signed its first major treaty with the European Union, the Partnership and Cooperation Agreement¹—a careful first step toward shared legal norms. Some twenty years later, the Association Agreement of 2014² carried the process further, framing both political association and economic integration. Around the same period, Moldova joined the Council of Europe in 1995, ratified the European Convention on Human Rights soon after, and expanded its role in regional bodies that anchored its legal system inside the broader European context.³ These milestones, however, left open the deeper question of whether legal approximation can ever replace geopolitical assurance.

Moldova's constitution declares the state permanently neutral, yet its political class has long looked toward the European Union. That combination produced a kind of double vocabulary of sovereignty—one speaking in terms of non-alignment, the other in the idiom of integration. These two ideas rarely fit together neatly.

The strain between these principles runs deep in today's international law. Sovereignty continues to frame the system, yet the spread of supranational and regional bodies has gradually redefined it. What once marked separation now also marks cooperation—the ability of states to move within a shared legal space. Moldova, as Poland once did, faces the challenge of keeping both aspects in view.

After 1989, Poland learned that geography can be read through law. Membership in NATO and the European Union transformed a former edge of Europe into a bridge. From that experience, Moldova's path westward looks less like copying and more like searching in parallel—a separate route toward the same idea of belonging. Both societies live with the sense of being in between: positioned between larger powers, molded by overlapping laws, and surrounded by rival versions of history. For them, international law often serves as a language through which a community explains itself.

What we call a frontier today is rarely a fixed line. It shifts with every negotiation, every agreement, and every act of recognition. In Moldova's case, the European frontier has been less a border than an ongoing interaction—a continuing dialogue between law, politics, and identity. The European Union's presence is felt not only in treaties or official documents but in the gradual transformation of institutions, language, and administrative habits. Europe enters quietly: through the procedures that guide governance, the words that define reform, and the expectations that shape daily life.

Through a mix of trade deals, association clauses, and the slow uptake of the *acquis communautaire*, many neighboring states have drifted into what some jurists call a form of “graduated sovereignty,” a status that keeps them linked yet still self-governing. Moldova sits squarely in the middle of that experience.⁴

Yet Europeanization is not a one-way current. Law is constantly reinterpreted on the ground. Moldova's mixture of languages, legal traditions, and diasporic ties generates its own readings of shared norms. Judges and diplomats often end up as translators—not only moving between

¹ Partnership and Cooperation Agreement Between the European Communities and Their Member States, of the One Part, and the Republic of Moldova, of the Other Part, Nov. 28, 1994, 1998 O.J. (L 181) 3, full text available at <https://www.consilium.europa.eu/en/documents/treaties-agreements/agreement/?id=1994050>.

² Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part. Document 22014A0830(01) https://eur-lex.europa.eu/eli/agree_internation/2014/492/2023-10-06

³ European Union–Republic of Moldova Partnership and Cooperation Agreement, Feb. 28, 1994, OJ L 181/3 (1998); EU–Moldova Association Agreement, June 27, 2014, OJ L 260/4 (2014); Council of Europe, “Moldova Joins the Council of Europe,” Strasbourg, 1995.

⁴ Frank Schimmelfennig, “Europeanization Beyond Europe,” *Living Reviews in European Governance* 7, no. 1 (2012): 1–31.

Romanian, Russian, and English, but also between different ways of imagining law itself. A single treaty clause can sound one way when read through Moldova's constitutional experience and quite another when debated in Brussels. To make sense of that gap, one needs a looser, more down-to-earth style of interpretation—something closer to conversation than command. In practice, lawyers and judges read such texts as living documents, shaped by the people and circumstances around them.¹

The analysis that follows situates Moldova within the larger debate about how sovereignty is changing in Eastern Europe. Europeanization, in this study, appears less as passive adaptation and more as a deliberate, creative effort—a way for a small state to find its own voice within an increasingly complex web of legal rules. The parallel with Poland is useful not as a template to copy but as a mirror that reflects similar struggles across post-communist societies, each using law to piece together a new sense of belonging after the end of the empire.

In practical terms, this study draws on treaties, constitutions, and major scholarly works while paying attention to the cultural settings in which they are read. The aim is not to prove a single hypothesis but to trace where sovereignty, integration, and identity intersect along Europe's eastern frontier.

I approach the topic gradually. The opening pages clarify scope and method before turning to Poland's post-1989 experience as a comparative frame. I then explore how ideas of sovereignty have shifted and what Europe's eastern frontier has come to signify in both law and imagination.

The final parts bring these threads together through the notion of participatory sovereignty and treat Moldova as a place where international law is actively tested. The conclusion reflects on what this gradual movement from association to integration may reveal about Europe's evolving order.

In the end, Moldova's experience shows that international law is less a fixed code than a dialogue in motion. Its meaning emerges through interaction among states, institutions, and people who interpret it. The country's slow passage toward Europe marks a broader transformation—from law as boundary to law as bridge. Geography still matters, though not in the old sense of fixed lines or distant frontiers. Today, its outlines are being redrawn through law. Poland showed that transformation a generation ago; Moldova is living it now, step by step. Ultimately, Europe's border does not lie only in rivers or mountain passes—it also cuts through the ways international law is imagined and practiced.

Methodology and Scope of Study

The methodological approach adopted in this study reflects the dual nature of international law itself: a discipline grounded in textual precision yet inevitably shaped by historical, cultural, and linguistic interpretation. Moldova's European trajectory cannot be adequately understood through a purely positivist lens, because the processes that define its integration—association agreements, institutional alignment, and constitutional adaptation—operate within a normative field that is as much political and discursive as it is legal. Accordingly, this article employs a comparative-interpretive methodology, combining doctrinal analysis with contextual interpretation and comparative regional insight drawn from the Polish experience of transition and accession.

At the foundation of this inquiry lies the doctrinal method, the traditional mode of legal scholarship emphasizing the analysis of treaties, customary norms, and judicial or institutional practice. In the Moldovan case, doctrinal interpretation provides the necessary structure for evaluating the evolution of the state's international commitments: the UN Charter (1945), the Vienna Convention on the Law of Treaties (1969), the EU-Moldova Association Agreement (2014), and the numerous Council of Europe instruments to which Moldova is a party.² This body of law defines the external limits of Moldovan sovereignty and the internal parameters of its legal transformation. However, doctrine alone offers only a partial view of the process. Law operates not merely as command but as conversation. To understand how Moldova internalizes

¹ Krzysztof Pomian, *Europa i jej narody* (Warsaw: Bellona, 1998).

² Vienna Convention on the Law of Treaties, May 23, 1969, 1155 U.N.T.S. 331; Association Agreement Between the European Union and the Republic of Moldova, June 27, 2014, O.J. L 260/4 (2014).

international law, one must also examine the interpretive context in which legal norms are received and transformed.

For this reason, the doctrinal foundation is complemented by an interpretive or hermeneutic method, inspired by both legal theory and the philosophy of language. The interpretive dimension is crucial because Moldova's path to Europe involves translation—not only between Romanian and Russian or between national and European legal vocabularies, but between different conceptions of law itself. Following Gadamer's insight that understanding always occurs within a "fusion of horizons," this study treats international law not as a closed system but as a living dialogue between states, cultures, and historical experiences.¹ The method recognizes that meaning in law is co-created by interpreters—judges, diplomats, and scholars—who bring their own preconceptions and historical positions to the text. For Moldova, whose constitutional identity is still in the making, this hermeneutic dimension is particularly salient.

The comparative component of the methodology derives from the Polish precedent, which serves as both reference and reflection. Poland's post-1989 transformation provides a coherent model for analyzing Moldova's legal evolution: a state situated on Europe's eastern frontier, negotiating between post-Soviet legacies and European aspirations.² Comparative analysis here functions not as analogy but as framework—it enables the identification of patterns in how small and medium-sized states internalize supranational norms while preserving a degree of national discretion. Through comparison, one can observe how concepts such as "sovereignty," "conditionality," and "Europeanization" acquire context-specific meanings. The Polish experience, as documented in EU accession literature, demonstrates that integration proceeds less by imposition than by adaptation: law becomes effective when it resonates with national narratives of reform and identity.³ The Moldovan process, though distinct in time and circumstance, follows a similar logic.

To operationalize this comparative-interpretive framework, the study relies on several categories of sources. First, primary legal instruments form the empirical basis: treaties (including the EU-Moldova Association Agreement, PCA, and Council of Europe conventions), national constitutions, and judicial opinions of the Constitutional Court of Moldova and the European Court of Human Rights (ECHR).⁴ Second, official documents and policy statements—notably those from the European External Action Service (EEAS), the Moldovan Ministry of Foreign Affairs and European Integration, and the Ministry of Foreign Affairs of the Republic of Poland—provide insight into governmental reasoning and diplomatic discourse. Third, academic and policy analyses from international law and political science journals are consulted to situate the discussion within broader theoretical debates on sovereignty, conditionality, and integration. Where possible, Romanian-, Russian-, and English-language materials are cross-referenced to preserve fidelity to Moldova's multilingual legal environment.

This plural sourcing reflects an underlying epistemological stance: that international law in Eastern Europe is best understood as a hybrid field, shaped by overlapping legal cultures. The methodology therefore avoids the false dichotomy between Western universalism and Eastern exceptionalism. Instead, it approaches Moldova as a space of legal intertextuality, where European norms are received, contested, and domesticated through national experience. This approach is consistent with the perspective developed in post-structural international legal studies, which emphasize the productive tension between norm and narrative.⁵

In terms of analytical procedure, the article proceeds in three interrelated steps. First, it undertakes textual analysis of key instruments and doctrines to identify how Moldova's

¹ Hans-Georg Gadamer, *Truth and Method* (1975) at 305–312.

² See Roman Kuźniar, *Poland's Foreign Policy after 1989: The Quest for Security and Identity* (2012).

³ Frank Schimmelfennig & Ulrich Sedelmeier, *The Europeanization of Central and Eastern Europe* (2005).

⁴ Constitutional Court of the Republic of Moldova, Judgment No. 24, Oct. 9, 2014; ECtHR, *Ilașcu v. Moldova and Russia*, 2004-VII Eur. Ct. H.R. 179.

⁵ Martti Koskeniemi, *From Apology to Utopia: The Structure of International Legal Argument* (Cambridge, 2005).

legal commitments articulate concepts of sovereignty, integration, and recognition. Second, it conducts a contextual interpretation of these instruments by situating them within Moldova's constitutional order, political practice, and cultural self-understanding. Third, it engages in comparative evaluation, using Poland's experience to highlight continuities and divergences in the mechanisms of Europeanization. Each step corresponds to a layer of meaning in international law: the formal (textual norms), the institutional (practice and enforcement), and the discursive (interpretation and identity).

While the primary focus remains on law, the methodology recognizes that law and politics cannot be neatly separate in transitional contexts. The Moldovan case reveals how legal instruments often perform political functions—signaling orientation, establishing trust, or expressing belonging.¹ This pragmatic dimension does not undermine legality but rather confirms its sociological foundation. International law, particularly in post-Soviet Eastern Europe, operates through persuasion as much as through coercion. Consequently, the article draws on elements of constructivist international relations theory, which conceptualizes norms as social structures that both constrain and enable state behavior.² Such a theoretical orientation helps to explain why small states like Moldova invest in legal formalism: compliance becomes a strategy of visibility and legitimacy in an uncertain regional order.

The scope of the study extends from 1991, the year of Moldovan independence, to 2025, capturing the entire post-Soviet period of legal and institutional development. This temporal frame allows for the analysis of both continuity and change: from the initial phase of state recognition and constitutional consolidation to the contemporary phase of European alignment. Within this timeframe, special attention is given to the 2014 Association Agreement, the 2022 application for EU membership³, and the evolving jurisprudence of the Constitutional Court on issues of sovereignty and European law supremacy. The article does not aim to provide a comprehensive historical account but to identify critical junctures where international law became a tool of domestic transformation.

Two limitations should be acknowledged. First, the study does not include field interviews or unpublished diplomatic correspondence; it relies on publicly available documents and secondary literature. Second, the analysis is qualitative rather than quantitative: its objective is to trace interpretive patterns, not to measure compliance through statistical indicators. These limitations are inherent to the chosen methodological stance, which privileges depth of interpretation over breadth of data. However, by integrating doctrinal, comparative, and hermeneutic techniques, the study aspires to provide a multidimensional understanding of Moldova's European legal trajectory.

Finally, this methodology reflects a broader intellectual commitment: to view law not as an external constraint upon politics but as an evolving conversation about order and justice. The Moldovan experience illustrates how international law can serve as an instrument of self-definition for small states navigating complex geopolitical environments. The comparative Polish perspective reinforces this insight by demonstrating that the legitimacy of international law depends on its capacity to resonate with local narratives of modernity and sovereignty. Thus, while this article remains anchored in positive legal analysis, it is equally attentive to the interpretive and cultural dimensions through which law acquires meaning. In doing so, it aligns with the contemporary turn in international legal scholarship toward pluralism, interdisciplinarity, and reflexivity.

Thus, while this article remains anchored in positive legal analysis, it is equally attentive to the interpretive and cultural dimensions through which law acquires meaning. In doing so, it aligns

¹ Thomas Franck, *The Power of Legitimacy among Nations* (Oxford, 1990).

² Alexander Wendt, *Social Theory of International Politics* (Cambridge, 1999).

³ Council of the European Union, "Application for EU Membership by the Republic of Moldova" (press release 101/22, Brussels, March 3, 2022), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62022V0303> See also: Council of the European Union, "Moldova," Policies, <https://www.consilium.europa.eu/en/policies/moldova/>

with the contemporary turn in international legal scholarship toward pluralism, interdisciplinarity, and reflexivity.

The Polish Experience and Its Relevance to Moldova

Poland's post-1989 transformation offers a useful framework for thinking about Moldova's European path. The two countries differ in scale, history, and the pace of reform, yet both have lived for decades on Europe's shifting edge—between the norms of the European Union and the habits of the post-Soviet world. For Poland, the fall of communism opened a political space that quickly turned into a legal project—a way to rebuild the state through Europe. Moldova's independence in 1991 brought a similar impulse, though without the same certainty of direction or support. When viewed together, the two experiences show that international law and regional frameworks can free a country from its past yet also tie it to new forms of dependence.

Poland's political and legal transformation began with the 1989 Round Table Agreements, which inaugurated a peaceful transition from authoritarian socialism to democratic governance.¹ The following decade was marked by a systematic process of legal and institutional reform guided by two parallel objectives: anchoring the state in the structures of the West and reconstructing the domestic rule of law.

The 1997 Constitution gave legal form to Poland's democratic transition.² The constitution rooted Poland's new order in law and rights, limiting the reach of government and giving full effect to treaties the state chose to join. It satisfied Europe's membership standards,³ but its meaning ran deeper: it reflected the conviction that a country can stay sovereign while opening itself to shared rules.

In this sense, Poland anticipated a post-Westphalian understanding of law: one that treats international obligations as extensions of constitutional identity rather than its negation.

Decision made by people of Poland to join the European Union and NATO was never only a matter of geopolitics.

This epic choice approved the nation in the referendum reshaped the country's legal foundations and its understanding of authority.

Step by step, the government had to bring domestic law into line with European standards, rewriting statutes, building new offices, and training officials who could speak the language of the European Union.

To an outsider, these reforms might have looked like ordinary administrative work. Inside Poland, however, they carried a different weight. They chose to treat European law not merely as regulation but as a language of belonging—a way of joining a broader moral and legal community built over time, rather than imposed from above. The success of this transformation rested on several factors that are directly relevant to Moldova's current path.

One reason Poland's integration moved steadily forward was the broad agreement that formed around it. Political parties, trade unions, like Solidarity and much of society shared the conviction that "returning to Europe" was not a slogan but a national goal. Moldova's experience shows that questions of internal reform and external alignment often develop together, rather than separately.

Still, the Polish case shows that agreement at home mattered as much as the help received from abroad.

Without a shared political will to modernize its laws and institutions, Poland's path into Europe would have stalled long before accession. External support then reinforced domestic efforts, lending the reform process both direction and credibility in the eyes of European partners.

¹ *Round Table Agreements between the Government of the People's Republic of Poland and the Democratic Opposition*, Warsaw, February–April 1989.

² *Constitution of the Republic of Poland*, adopted 2 April 1997, entered into force 17 October 1997, Articles 8–9 and Preamble.

³ Council of the European Union, *Copenhagen European Council—Conclusions of the Presidency*, 21–22 June 1993 (Copenhagen Criteria).

Through programs such as PHARE and later ISPA, the European Union offered money, expertise, and constant feedback—tools that kept reforms on track and measurable.¹ Moldova works with a different set of instruments, mainly the European Neighborhood Policy and the Eastern Partnership.² These are useful, but they lack the depth and incentives of the pre-accession framework. For Moldova, that means reform must rely less on external guidance and more on its own administrative and political resolve.

A third relevant aspect of the Polish case is the deliberate use of international law as a tool of domestic modernization.

The process of aligning Polish legislation with European standards was not conceived as an external imposition but as a strategy for internal development. According to the European Commission's 2003 Regular Report on Poland's Progress toward Accession, "legal approximation and administrative capacity building were central elements of the reform process, ensuring the effective transposition of the *acquis communautaire* across sectors."³

This perception of international law as enabling, rather than constraining, is critical for Moldova's situation, where skepticism toward "foreign influence" sometimes obscures the constructive role of legal convergence. The Polish model suggests that when international law is domesticated through participatory reform rather than bureaucratic decree, it generates legitimacy and public support.

At the same time, the Polish experience warns against assuming that formal compliance guarantees substantive transformation. Accession to the EU brought not only benefits but also challenges: the risk of normative fatigue, bureaucratic overload, and social disparities between metropolitan centers and peripheral regions. The Polish experience suggests that the uniform application of European standards often depends less on formal harmonization than on the internal coherence of national institutions, a consideration equally relevant for Moldova.

Post-accession compliance remains a dynamic process in which European norms continue to interact with domestic constitutional identity.⁴ As Moldova's legal alignment advances, comparable tensions between integration and constitutional sovereignty could emerge, reflecting dynamics familiar from other post-transition states.

The Polish accession also offers methodological insight into how international law operates in transitional contexts. Poland's pre-accession negotiations were structured around what the EU terms conditionality: the progressive adoption of norms in exchange for political and economic incentives. Conditionality functions as a hybrid mechanism—part legal, part political. It embodies the paradox of voluntary constraint: states accept external oversight as the price of inclusion.⁵ Moldova's association process mirrors this logic but without the ultimate reward of membership. Its challenge is therefore to sustain reform in the absence of a definitive endpoint. This asymmetry gives Moldova's Europeanization a more experimental quality, in which law becomes both an aspiration and a measure of progress.

Another dimension of the Polish experience relevant to Moldova lies in the redefinition of sovereignty. For Poland, membership in the EU required a conceptual shift from sovereignty as control to sovereignty as participation. The Polish Constitutional Tribunal acknowledged this transformation when it ruled that the transfer of competences to European institutions was consistent with the Constitution, provided that it served the realization of common values and did not undermine the state's identity.⁶ The Moldovan Constitutional Court has faced analogous

¹ European Commission, *PHARE Programme: Annual Report 1998* (Luxembourg: Office for Official Publications of the European Communities, 1999).

² European External Action Service (EEAS), *European Neighbourhood Policy (ENP): Overview and Eastern Partnership Framework* (Brussels: EEAS, 2024).

³ European Commission, *Regular Report on Poland's Progress toward Accession*, COM (2003) 676 final.

⁴ Ulrich Sedelmeier, "After Conditionality: Post-Accession Compliance with EU Law in East Central Europe," *Journal of European Public Policy* 15, no. 6 (2008): 806–825.

⁵ Constitutional Tribunal of the Republic of Poland. Judgment of 11 May 2005, Ref. No. K 18/04 (Accession Treaty case): https://trybunal.gov.pl/fileadmin/content/omowienia/K_18_04_GB.pdf

⁶ Krzysztof Pomian, *Europa i jej narody*, trans. Małgorzata Szpakowska (Warszawa: Państwowy Instytut Wydawniczy, 1992). Original French: Krzysztof Pomian, *L'Europe et ses nations* (Paris: Gallimard, 1990).

dilemmas, particularly in its interpretation of neutrality, European integration, and relations with external actors. The Polish jurisprudence offers a potential model for reconciling loyalty to national constitutionality with openness to supranational law.

Cultural factors also played an essential role in Poland's integration and remain instructive for Moldova. Historian Krzysztof Pomian described Europe as "a community founded on the shared memory of law and culture rather than on uniform institutions."¹ Polish thinkers such as Czesław Miłosz framed Europe as a moral community bound by memory and responsibility.² This humanistic dimension provided emotional legitimacy to legal adaptation. Moldova's European project, to achieve similar depth, will likewise require the articulation of a cultural narrative that connects legal reform with historical continuity and collective aspiration. Without such a narrative, Europeanization risks being perceived as technical imitation rather than national renewal.

The Polish example further demonstrates the importance of institutional learning. During its transition, Poland developed networks of cooperation between academia, government, and civil society that sustained the reform process beyond electoral cycles. The establishment of institutions such as the Polish Institute of International Affairs (PISM) and the integration of legal scholarship into policy debates created a culture of informed engagement.³ Moldova's universities and think tanks have begun to play a similar role, but greater integration between scholarship and policymaking could strengthen the coherence of its European strategy.

Recent OECD data illustrate how profoundly Poland's transformation has reshaped its socio-economic landscape. Between 1994 and 2024, average annual wages in Poland (measured in constant USD PPP) more than doubled, outpacing not only other Central European economies but also several long-established OECD members. According to the 2024 OECD data, average annual wages reached roughly 47,000 USD in Poland—surpassing those of Hungary, Portugal, and Czechia, and approaching levels observed in Italy and Spain. At the upper end of the OECD ranking stand Luxembourg, Switzerland, Belgium, the Netherlands, and Denmark, each exceeding 70,000 USD PPP, followed by Germany, the United Kingdom, and France, which remain in the 60,000–65,000 USD range.

This distribution highlights both the scale of convergence within Europe and the persistence of an income gradient running west to east. Poland's ascent within this structure stands out as one of the clearest examples of post-accession economic catch-up in the OECD, reflecting not only wage growth but also the cumulative effect of legal, institutional, and administrative reforms anchored in European integration and domestic modernization.⁴

The chart has drawn significant attention in international commentary, where Poland is increasingly portrayed as an emblem of successful post-transition development. In public debate, the country's progress is sometimes described as "an economic wonder achieved within one generation" and as a model of entrepreneurial and civic resilience.⁵ Other voices, particularly in Anglophone discourse, have even speculated about a reversal of traditional migration patterns, suggesting that Poland could soon become a destination for work and investment from Western Europe.⁶

While such remarks arise from media and public discussion rather than formal scholarship, they reveal the extent to which Poland's transformation now resonates as both an economic and

¹ Krzysztof Pomian, *Europa i jej narody*, trans. Małgorzata Szpakowska (Warszawa: Państwowy Instytut Wydawniczy, 1992). Original French: Krzysztof Pomian, *L'Europe et ses nations* (Paris: Gallimard, 1990).

² Czesław Miłosz, *Rodzinna Europa* (Paris: Instytut Literacki, 1959).

³ Polish Institute of International Affairs (PISM), *Annual Report 2004* (Warsaw: PISM, 2005).

⁴ OECD Data, "Average annual wages (indicator)," OECD Data Explorer, 2024 <https://www.oecd.org/en/data/indicators/average-annual-wages.html?utm>

⁵ Discussion citing the OECD data in international commentary, October 2025; see for instance public analyses circulated on X (formerly Twitter) describing Poland's transformation as "an economic wonder achieved within one generation."

⁶ International media discussions on X (formerly Twitter), October 2025, referencing the reversal of migration trends between Poland and Western Europe.

symbolic phenomenon. For Moldova, this perception is instructive: it shows how law and reform, when consistently pursued, can turn modernization into a narrative of regained sovereignty.

Finally, the Polish experience underscores that integration is not a linear progression but a continuous negotiation. The relationship between national and European law remains dynamic and occasionally contentious. Poland's contemporary constitutional debates reveal that the European project itself is evolving; the balance between sovereignty and supranational authority is perpetually renegotiated. For Moldova, which stands at the threshold of this process, this means that Europeanization should be conceived not as convergence toward a fixed model but as participation in an ongoing conversation about law and governance in Europe.

In summary, the Polish case provides three principal insights relevant to Moldova's path. First, legal integration succeeds when it is framed as an extension of national purpose rather than external pressure. Second, the legitimacy of international law depends on its cultural resonance and institutional embodiment. Third, sovereignty in the modern European order is defined less by exclusion than by cooperation.

The experience of Poland illustrates that sovereignty, once anchored in borders, now rests on the capacity to participate in shared norms. For Moldova, this lesson is not prescriptive but interpretive: it demonstrates how a state can remain itself while entering a wider order of law. By internalizing these lessons, Moldova can shape its European future not as imitation but as innovation—a re-articulation of international law at Europe's shifting frontier, where identity and integration continually redefine one another.

International Law and the Re-definition of Sovereignty

The evolution of international law since the end of the Cold War has profoundly altered the meaning of sovereignty, particularly for states situated along Europe's eastern frontier. The classical conception, formulated in the seventeenth century and reaffirmed in the Charter of the United Nations, understood sovereignty as the supreme authority of a state within its territory and independence from external control. For much of the twentieth century, this principle offered protection against intervention and provided the foundation for international order.¹

Yet, as global institutions deepened and regional organizations proliferated, sovereignty ceased to function as a shield; it became instead a framework for participation and mutual constraint. Moldova's experience after 1991 embodies this shift from independence as isolation to independence as engagement.

The tension between the traditional and the emerging notion of sovereignty is visible in the interaction between universal and regional legal systems. The United Nations system continues to affirm sovereign equality and non-interference as essential principles. At the same time, the European Union, the Council of Europe, and the Organization for Security and Co-operation in Europe have developed forms of governance that presuppose shared authority. Membership or association within these frameworks entails a voluntary limitation of freedom of action in exchange for stability, recognition, and influence. This process has been described by legal theorists as the gradual constitutionalizing of international law.² The Moldovan path toward Europe thus represents not a departure from sovereignty but a transformation of its function: sovereignty becomes a medium through which participation in a community of law is exercised.

Moldova's constitutional order illustrates this redefinition. The 1994 Constitution affirms both independence and permanent neutrality, reflecting the delicate balance between self-determination and interdependence. Neutrality in this context does not imply isolation from the international

¹ The foundational texts of international law—the 1945 Charter of the United Nations, the 1933 Montevideo Convention on the Rights and Duties of States, and the 1969 Vienna Convention on the Law of Treaties—anchor this classical idea. They describe a sovereign state as one possessing defined territory, population, government, and legal personality, bound by the principle of non-intervention and the equality of states. Yet these definitions emerged from a world of empires and post-war balance, not from the web of interdependence that characterizes Europe's legal geography today. In Eastern Europe, sovereignty increasingly operates as participation rather than isolation: to be sovereign is to have the capacity to engage, to negotiate, and to comply within multilateral norms.

² Anne Peters, *Humanity as the A and Ω of Sovereignty*, 20 Eur. J. Int'l L. 513 (2009).

community but serves as a domestic expression of the wish to avoid entanglement in military blocs while maintaining cooperation through law.¹ Over the past three decades, Moldova has joined a series of treaties and conventions that progressively integrate it into the European legal order. These include the European Convention on Human Rights, the Framework Convention for the Protection of National Minorities, and the Convention against Corruption. Each ratification represents a partial delegation of normative authority to supranational or international institutions. The acceptance of external review by the European Court of Human Rights, for instance, demonstrates that the protection of sovereignty today often requires the recognition of shared jurisdiction.

The Association Agreement with the European Union, signed in 2014, has become the central instrument through which Moldova navigates this redefinition. Its provisions on political dialogue, rule of law, and human rights commit the state to progressive approximation with European standards. The agreement does not create membership but institutionalizes expectations of behavior and performance.² The preamble explicitly recognizes Moldova's "European choice," thereby transforming an act of foreign policy into a statement of legal identity. By engaging in this form of association, Moldova has effectively constitutionalized elements of EU law within its domestic system. Such partial integration without accession represents one of the most distinctive features of modern sovereignty in Eastern Europe: a sovereignty exercised through continuous negotiation rather than absolute control.

In doctrinal terms, the Moldovan case raises questions that go beyond the classical dichotomy between monism and dualism. While the Constitution stipulates that international treaties ratified by Parliament become part of domestic law, the practice of implementation reveals a more complex reality. Domestic courts interpret European norms not only as binding obligations but as interpretive guidelines. This approach reflects what scholars of comparative public law describe as dialogic sovereignty, in which domestic institutions actively engage with international law to shape its local application.³ Through such dialogue, sovereignty evolves into a relational concept—its legitimacy derives from participation in a wider normative community rather than from isolation.

The redefinition of sovereignty is also evident in the changing role of recognition. Traditional international law treated recognition as a discrete act marking the birth of a state. In the post-Cold War order, recognition extends into the continuous evaluation of a state's behavior and conformity with shared standards. The European Union's conditionality mechanisms, the monitoring activities of the Council of Europe, and the assessments by the Venice Commission all represent forms of ongoing recognition. Moldova's legal and institutional reforms are thus conducted under a horizon of expectation, where compliance with international norms serves both as a measure of progress and as a condition of legitimacy.⁴ This transformation affects not only Moldova's external relations but also its internal understanding of authority.

The case of the Transnistrian region further complicates this picture. International law's commitment to territorial integrity coexists with principles of self-determination and human rights, often producing ambiguous outcomes. The involvement of the OSCE and other mediating parties has created a multilayered system of governance in which sovereignty is exercised through diplomacy and restraint. The persistence of this frozen conflict underscores that sovereignty today is rarely absolute; it is mediated through overlapping jurisdictions and shared responsibilities.⁵

¹ Constitution of the Republic of Moldova, July 29, 1994, art. 11.

² Association Agreement Between the European Union and the Republic of Moldova, June 27, 2014, O.J. L 260/4 (2014).

³ Alec Stone Sweet, "Constitutional Dialogues in the European Community," in *The European Court and National Courts—Doctrine and Jurisprudence: Legal Change in Its Social Context*, ed. Anne-Marie Slaughter, Alec Stone Sweet, and J. H. H. Weiler (Oxford: Hart Publishing, 1998), 305–330.

⁴ Council of Europe, Venice Commission, Opinion CDL-AD (2014)010, Republic of Moldova.

⁵ OSCE, *Overview of the Transnistrian Settlement Process*, <https://www.osce.org/moldova/440735>

Comparative analysis with Poland reinforces this understanding. During its accession period, Poland also faced moments when the demands of European law appeared to challenge national prerogatives.

Yet Polish constitutional jurisprudence developed the principle that the transfer of competences is legitimate when it serves the realization of values enshrined in both the national and European legal orders.¹ This reasoning aligns closely with Moldova's gradual incorporation of European norms through association rather than full membership. Both states illustrate that sovereignty in modern Europe functions as a process of continuous justification. The right to govern is affirmed not only through independence but through the capacity to integrate responsibly into a shared legal order.

The theoretical debate surrounding these transformations has generated new vocabulary: post-sovereignty, embedded sovereignty, and cooperative constitutionalism.² Each term attempts to capture the fact that power and legitimacy are increasingly distributed across multiple levels of governance. For Moldova, these concepts are not abstractions but daily realities. The alignment of legislation with European standards, the reliance on international monitoring, and the acceptance of external arbitration in human-rights matters exemplify how a small state manages complexity by translating dependence into participation. Rather than eroding sovereignty, this networked environment provides new opportunities for influence. Moldova's active role in regional diplomacy and its contribution to the Eastern Partnership initiatives demonstrate that shared norms can become sources of agency.

Nevertheless, the evolution of sovereignty raises questions about accountability and democratic legitimacy. When decisions are shaped by external expectations, how can citizens ensure that governance remains responsive to domestic priorities? Moldova's experience suggests that the answer lies in transparency and constitutional dialogue. The open discussion of treaty obligations, the publication of international reports, and the engagement of civil society in monitoring reforms create channels through which sovereignty retains its democratic character. International law provides the framework, but its implementation depends on national debate and participation.³

The redefinition of sovereignty, as seen through Moldova's legal development, illustrates the broader transformation of international law from a system of coexistence to a system of cooperation. The Moldovan model, though still evolving, reveals that integration and independence need not be opposites. Sovereignty today operates as a dynamic equilibrium between the assertion of national identity and the acceptance of mutual obligations. The durability of this equilibrium depends less on formal declarations than on the capacity of institutions and societies to sustain a culture of legality. In this respect, Moldova contributes to the ongoing reconstruction of European order by demonstrating that small states can shape international law not only by complying with it but by reinterpreting it within their own historical and cultural contexts.

Europe's Eastern Frontier: Law, Identity, and Belonging

At Europe's eastern edge, law does more than organize power—it expresses belonging. The Republic of Moldova, situated between the linguistic worlds of Romanian and Russian and the political spheres of Brussels and Moscow, has lived its independence as a search for equilibrium between neutrality and aspiration. Its constitutional commitment to neutrality, adopted in 1994, was meant to stabilize the fragile security environment after the Transnistrian conflict.⁴ Yet over

See also: Report by the Head of OSCE Mission to Moldova, November 2023: UK response at <https://www.gov.uk/government/speeches/report-by-the-head-of-osce-mission-to-moldova-november-2023-uk-response>

¹ Constitutional Tribunal of the Republic of Poland. Judgment of 11 May 2005, Ref. No. K 18/04 (Accession Treaty case): https://trybunal.gov.pl/fileadmin/content/omowienia/K_18_04_GB.pdf

² Neil Walker, "Late Sovereignty in the European Union," in *Sovereignty in Transition*, ed. Neil Walker (Oxford: Hart Publishing, 2003), 1–32; see also Anne-Marie Slaughter, *A New World Order* (Princeton: Princeton University Press, 2004)

³ Thomas M. Franck, *The Emerging Right to Democratic Governance*, 86 Am. J. Int'l L. 46 (1992).

⁴ Constitution of the Republic of Moldova, adopted July 29, 1994, Article 11.

time, neutrality became a vocabulary for balancing two contradictory needs: the desire to affirm sovereignty and the desire to belong to a wider European community.

In this space, legal identity and cultural identity overlap. European integration in Moldova has never been only about institutions or trade; it has also been about self-definition—deciding which historical memories and linguistic affiliations can coexist under the name of “Europe.”¹ The law thus functions as both shield and language: it protects the state’s independence while giving form to the aspiration of returning to a shared civilizational space. Diplomatic discourse increasingly merges these two layers, presenting neutrality not as isolation but as a mode of participation—an attempt to reconcile constitutional restraint with international engagement.²

Poland’s post-1989 experience offers a useful mirror. In the early years of transformation, the phrase “return to Europe” dominated political and academic debate.³ It condensed a century of interrupted statehood into a single direction of meaning: to become European was to recover normality, legality, and recognition. For Moldova, the same phrase carries a more hesitant tone. Here, the return is imagined but not yet secured; the process is legal, linguistic, and symbolic all at once. The association process with the European Union reproduces the pattern once experienced by Poland—a gradual embedding of domestic law within the European normative order—but without the political certainty that membership will follow.⁴

Culturally, Moldova’s Europeanization is layered. The Romanian language connects it to the Latin world, while the enduring presence of Russian speech and media anchors it in a different narrative of civilization.⁵ Law mediates these contradictions by offering a neutral vocabulary of modernization and reform, allowing the state to speak both to Brussels and to its own divided public. The act of adopting European standards—whether in human rights, trade, or governance—becomes a means of articulating identity through legal performance.⁶

Thus, Europe’s eastern frontier is not merely a geographic boundary but a legal and cultural conversation. It is where the idea of Europe must constantly translate itself—into Moldovan, Romanian, and Russian; into neutrality and aspiration; into belonging and difference. In that process, international law becomes not only an instrument of governance but a medium through which identity itself is negotiated.⁷

Discussion and Findings – Toward a Theory of Eastern European Integration

The comparative lens reveals that the European project, when seen from its eastern frontier, functions less as an expansion of norms than as a laboratory of adaptation. Law travels, but it is reinterpreted in each national context, reshaping what sovereignty, legitimacy, and compliance mean in practice. Poland’s post-1989 trajectory and Moldova’s post-1991 reforms illustrate a shared regional pattern: Europeanization proceeds not by uniform convergence but by negotiation, translation, and selective absorption.

This pattern invites a theoretical reframing of integration itself. Rather than viewing European law as a single hierarchical order extending eastward, it may be more accurate to describe it as a pluralist structure—a network of overlapping sovereignties, regulatory layers, and normative expectations.⁸ At the frontier, international and domestic law are not separate spheres but interdependent languages. The capacity to implement external norms becomes part of a state’s

¹ Anthony D. Smith, *National Identity* (London: Penguin, 1991), 73–85.

² European Union–Republic of Moldova Association Agreement, signed June 27, 2014, Titles II–V (Political Dialogue, Foreign and Security Policy).

³ Jan Zielonka, *Europe as Empire: The Nature of the Enlarged European Union* (Oxford: Oxford University Press, 2006), 19–22.

⁴ Wojciech Sadurski, *Constitutionalism and the Enlargement of Europe* (Oxford: Oxford University Press, 2012), 41–45.

⁵ Charles King, *The Moldovans: Romania, Russia, and the Politics of Culture* (Stanford: Stanford University Press, 2000), 163–180.

⁶ European Commission, *EU–Moldova Association Implementation Report 2023* (Brussels: European External Action Service, 2023).

⁷ Iver B. Neumann, *Uses of the Other: The East in European Identity Formation* (Minneapolis: University of Minnesota Press, 1999), 131–134.

⁸ Neil Walker, *Sovereignty in Transition* (Oxford: Hart Publishing, 2003), 10–15.

own legal identity, while conditionality transforms from a foreign demand into an internalized discipline of governance.¹

In this context, the concept of *participatory sovereignty* gains analytical value.² States like Moldova demonstrate that sovereignty today is less about isolation from supranational influence and more about meaningful participation within it. Compliance is no longer passive acceptance but an expression of agency: to join international regimes, to negotiate association agreements, and to translate imported standards into domestic law are acts of self-affirmation as much as adaptation. Sovereignty thus becomes procedural—exercised through legal participation, not against it.

Legal pluralism provides the conceptual backdrop for this transformation.³ Eastern European states inhabit multiple legal orders simultaneously—national, regional, and international—each claiming authority and legitimacy. The friction among them does not necessarily weaken sovereignty; rather, it produces new forms of resilience and flexibility. Where Western integration was historically grounded in economic interdependence, Eastern integration emerges through legal experimentation: by learning to align domestic norms with external expectations while preserving symbolic autonomy.⁴

Comparatively, the evidence from Poland, Moldova, and other Eastern Partnership states suggests that integration is most sustainable when it resonates with national narratives of reform. Poland's accession process succeeded because legal approximation coincided with a strong social consensus around "returning to Europe." Moldova's challenge lies in sustaining that consensus amid uncertainty—when association, not accession, defines the horizon.⁵ In both cases, law functions as a vehicle of recognition: to comply is to be seen, and to be seen is to belong.

This analysis points toward a broader theoretical conclusion. Eastern European integration illustrates that international law is not merely applied within domestic systems but co-created through them.

The frontier becomes a site of innovation, where global norms acquire local meaning and local institutions acquire international voice.⁶ The model that emerges—a form of participatory sovereignty within a pluralist legal order—may hold implications beyond Eastern Europe, offering insight into how small and medium-sized states worldwide navigate interdependence without surrendering identity.

Moldova as a Laboratory of International Law

Among Europe's smaller states, few illustrate the experimental character of international law as vividly as the Republic of Moldova. Its post-1991 trajectory has unfolded within overlapping regimes of influence—European, post-Soviet, and global—each carrying its own vocabulary of legality. The result is a political space where international law is not only applied but constantly tested, interpreted, and adapted. This condition makes Moldova a genuine laboratory of international law: a place where abstract principles acquire empirical meaning and where the frontier between domestic and international norms becomes negotiable rather than fixed.⁷

In this laboratory setting, association with the European Union serves as both an experiment and an instrument. The EU–Moldova Association Agreement operates simultaneously as a treaty of cooperation, a framework for reform, and a guide for internal legal transformation.⁸ Through its clauses on governance, judicial independence, and market alignment, the Agreement transforms

¹ Bruno de Witte, "Legal Dynamics of EU Enlargement," *European Public Law* 9, no. 2 (2003): 237–254.

² See Neil Walker, *Sovereignty and the Politics of Responsibility*, *Indiana Journal of Global Legal Studies* 21, no. 2 (2014): 495–522. Walker argues that modern sovereignty increasingly involves participatory, dialogic, and responsibility-sharing practices rather than unilateral state authority.

³ Nico Krisch, *Beyond Constitutionalism: The Pluralist Structure of Postnational Law* (Oxford: Oxford University Press, 2010), 47–52.

⁴ Gráinne de Búrca, "The European Court of Justice and the International Legal Order after Kadi," *Harvard International Law Journal* 51, no. 1 (2010): 1–49.

⁵ European Commission, *Eastern Partnership Policy Review 2024* (Brussels: European External Action Service, 2024).

⁶ Martti Koskeniemi, *The Politics of International Law* (Oxford: Hart Publishing, 2011), 224–228.

⁷ Antje Wiener, *A Theory of Contestation* (Berlin: Springer, 2014), 18–25.

⁸ European Union–Republic of Moldova Association Agreement, signed June 27, 2014, Titles II–VI.

external commitments into domestic benchmarks. Each act of transposition—whether of environmental directives or competition law—becomes a miniature demonstration of how sovereignty evolves through legal practice.

This experimental quality extends to diplomacy. Moldova's neutral status, its participation in the Eastern Partnership, and its engagement with organizations such as the Council of Europe and the OSCE create a mosaic of legal obligations.¹ The coexistence of these regimes turns Moldova into a testing ground for pluralist governance: the simultaneous observance of EU-oriented standards, regional security commitments, and universal norms under the UN Charter. Instead of undermining sovereignty, this multiplicity has produced an adaptive form of statehood—flexible, dialogical, and capable of absorbing external law without losing national coherence.²

The laboratory metaphor also captures a deeper theoretical dynamic. In Moldova, law functions as a medium of experimentation in identity. Reforms in anti-corruption, judicial transparency, and human-rights protection are not purely technocratic exercises but symbolic gestures toward Europe's normative community.³ Each legal approximation performs two tasks: it demonstrates competence to international partners and affirms belonging to a civilizational project grounded in rule of law. As in a scientific experiment, outcomes are provisional, open to revision, and dependent on interaction with external observers.

Comparatively, this distinguishes Moldova from Poland's post-1989 pathway. Poland's experiment culminated in full accession; Moldova's remains open-ended. Yet the uncertainty itself carries analytical significance. It shows that international law can operate effectively even without the finality of membership, provided that association creates a stable grammar of legal exchange.⁴ Moldova's case thus expands the meaning of integration: not as a binary of inclusion and exclusion, but as an ongoing process of co-production between domestic institutions and international norms.

From this perspective, Moldova embodies a broader transformation in international law's structure. The classical model, centered on sovereignty as autonomy, gives way to one where legitimacy derives from participation and adaptability.⁵ The frontier becomes productive—a site where law is constantly rewritten in the interplay between aspiration and restraint. In this sense, Moldova's European path does more than illustrate regional politics; it contributes conceptually to the evolving grammar of international law itself.

Conclusion – From Association to Integration

The Moldovan experience shows that European integration begins long before accession and that international law's capacity to transform societies does not depend solely on membership. Association, when sustained and internalized, already generates a new vocabulary of sovereignty. It replaces the logic of control with that of participation, teaching smaller states how to navigate interdependence without surrendering autonomy. In this respect, Moldova stands not at the periphery of Europe but at its experimental core—a place where law and politics meet to redefine what belonging means in a divided continent.⁶

The comparison with Poland reinforces this insight. In the 1990s, Poland's transformation unfolded through a confident synchronization between domestic reform and external expectation.

¹ OSCE, *Mission to Moldova: Mandate and Activities*, Organization for Security and Co-operation in Europe <https://www.osce.org/mission-to-moldova>

² Neil MacCormick, *Questioning Sovereignty: Law, State, and Nation in the European Commonwealth* (Oxford: Oxford University Press, 1999), 123–130.

³ European Commission, *Rule of Law Report: Republic of Moldova 2024* (Brussels: European External Action Service, 2024).

⁴ Frank Schimmelfennig and Ulrich Sedelmeier, "Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe," *Journal of European Public Policy* 11, no. 4 (2004): 661–679.

⁵ Martti Koskeniemi, "The Fate of Public International Law: Between Technique and Politics," *Modern Law Review* 70, no. 1 (2007): 1–30.

⁶ Charles King, *The Moldovans: Romania, Russia, and the Politics of Culture* (Stanford: Stanford University Press, 2000), 212–217.

The process was structured by certainty: EU membership was both the means and the reward of compliance. Moldova's situation, by contrast, is marked by ambiguity—association as a perpetual condition, reform without guaranteed conclusion. Yet it is precisely in this indeterminacy that a new model of integration becomes visible.¹

This model rests on three intertwined dynamics. First, law operates as a medium of recognition. Compliance with European standards is not only a legal duty but a political act that signals alignment with a community of values.² Second, sovereignty becomes participatory. The Moldovan state exercises agency by engaging in continuous legal dialogue—signing, adapting, and implementing—rather than by guarding impermeable borders. Third, the frontier itself turns productive. Instead of a line separating order, it becomes a zone of translation where international norms acquire local meaning and domestic institutions learn to speak in a European legal idiom.³

Seen in this light, Moldova's path contributes to a wider rethinking of international law. The classical grammar of statehood—territory, population, government, and recognition—remains relevant, but its expression changes as law becomes a language of belonging.

The European project, as reflected in Moldova's evolution, shows that sovereignty is not eroded by integration; it is reconstituted through participation.⁴ For international legal scholarship, this frontier perspective invites a more pluralist theory of global order—one that values adaptation, dialogue, and shared authorship of norms over hierarchy and exclusion.

Moldova thus stands as both a subject and a teacher of international law: a small state whose European journey reveals how law can turn geography into identity and association into integration. Its ongoing experiment reminds us that the future of sovereignty may lie not in the power to stand apart but in the capacity to belong without losing oneself.⁵

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**DREPT INTERNAȚIONAL PUBLIC
PUBLIC INTERNATIONAL LAW
МЕЖДУНАРОДНОЕ ПУБЛИЧНОЕ ПРАВО**

**ASPECTE JURIDICE ALE OCUPĂRII FORȚEI DE MUNCĂ
DURABILE ÎN TRANZIȚIA VERDE A PIETEI MUNCII**

**ПРАВОВЫЕ АСПЕКТЫ УСТОЙЧИВОЙ ЗАНЯТОСТИ
В УСЛОВИЯХ «ЗЕЛЕНОГО» ПЕРЕХОДА**

**LEGAL ASPECTS OF SUSTAINABLE EMPLOYMENT
IN THE GREEN TRANSITION OF THE LABOR MARKET**

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ABSTRACT:

**LEGAL ASPECTS OF SUSTAINABLE EMPLOYMENT
IN THE GREEN TRANSITION OF THE LABOR MARKET**

Global climate change poses an increasingly serious challenge not only to environmental systems but also to the economic and social spheres, particularly affecting labour market dynamics and the ability of states to provide decent and sustainable employment. The ongoing transition to a green or low-carbon economy requires a fundamental rethinking of the legal and institutional frameworks governing labour relations. As economies restructure themselves in response to environmental imperatives, labour laws must evolve to support this transformation, while ensuring the protection of workers' rights and the creation of fair and inclusive labour markets.

This article examines the principles of sustainable employment in the context of climate change, focusing on the need to harmonize environmental policies with labour laws and employment strategies. Sustainable employment in this context refers not only to the creation of jobs in environmentally responsible sectors ('green jobs'), but also to the social dimension of the transformation of work – ensuring social justice, inclusion and resilience in the face of climate-induced economic shifts.

The paper examines both international legal standards and national approaches, highlighting the importance of integrating global frameworks such as the International Labour Organization Just Transition Guidelines and the Paris Agreement into national policies and legislation. A detailed legal analysis is provided, highlighting how these international commitments can inform national labour law reforms to support a just and sustainable transition.

Special attention is paid to the experience of the Republic of Moldova and its legal capacity to adapt to climate-related challenges in the world of work. Comparative insights are drawn from countries such as Germany, Canada and Belarus, which have adopted progressive legal and policy frameworks to address

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employment challenges related to climate change. For example, Germany's integration of climate and employment strategies, Canada's federal support for workers affected by the energy transition and Belarus's state employment programs offer valuable models.

The article formulates a number of proposals for improving the current legislation for the Republic of Moldova. These include the development of national sustainable employment strategies, legal guarantees for retraining and upgrading workers, creating incentives for creating environmentally friendly jobs and aligning labour market institutions with environmental goals.

The article formulates a number of conclusions justifying that adapting labour legislation to climate challenges requires a comprehensive, multidimensional approach that balances environmental responsibility with social justice, economic development and legal certainty.

Keywords: labor relations, green transformation, labor market, climate change, legal guarantees

JEL Classification: K 33; K 32, K 31

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РЕЗЮМЕ:

ПРАВОВЫЕ АСПЕКТЫ УСТОЙЧИВОЙ ЗАНЯТОСТИ В УСЛОВИЯХ «ЗЕЛЕНОГО» ПЕРЕХОДА

Глобальное изменение климата представляет собой всё более серьёзную проблему не только для экологических систем, но и для экономической и социальной сфер, особенно влияя на динамику рынка труда и способность государств обеспечивать достойную и устойчивую занятость. Продолжающийся переход к «зелёной» или низкоуглеродной экономике требует фундаментального переосмысления правовых и институциональных рамок, регулирующих трудовые отношения. По мере того, как экономика перестраивается в соответствии с экологическими требованиями, трудовое законодательство должно развиваться, чтобы поддерживать эту трансформацию, обеспечивая при этом защиту прав работников и создание справедливых и инклюзивных рынков труда.

В данной статье рассматриваются принципы устойчивой занятости с учетом изменения климата, с акцентом на необходимость гармонизации экологической политики с трудовым законодательством и стратегиями занятости. При этом устойчивая занятость подразумевает не только создание рабочих мест в экологически ответственных секторах («зелёные рабочие места»), но и социальный аспект трансформации труда – обеспечение социальной справедливости, инклюзивности и устойчивости к экономическим изменениям, вызванным изменением климата. В статье рассматриваются как международные правовые стандарты, так и национальные подходы, подчеркивая важность интеграции глобальных рамок, таких как Руководящие принципы Международной организации труда по справедливому переходу и Парижское соглашение, в национальную политику и законодательство. Представлен подробный правовой анализ, показывающий, как эти международные обязательства могут способствовать реформированию национального трудового законодательства в целях обеспечения справедливого и устойчивого перехода.

Особое внимание уделяется опыту Республики Молдова и ее правовым возможностям адаптации к вызовам, связанным с изменением климата в сфере труда. Проводится сравнительный анализ опыта таких стран, как Германия, Канада и Беларусь, которые приняли прогрессивные правовые и политические основы для решения проблем занятости, связанных с изменением климата. Например, интеграция стратегий Германии в области климата и занятости, федеральная поддержка Канады работников, пострадавших от энергетического перехода, и государственные программы занятости Беларуси предлагают ценные примеры.

В статье сформулирован ряд предложений по совершенствованию действующего законодательства Республики Молдова, в частности, разработку национальных стратегий устойчивой занятости, правовых гарантий переподготовки и повышения квалификации работников, создание стимулов для создания экологически безопасных рабочих мест и согласование институтов рынка труда с экологическими целями. Также сформулирован ряд выводов, обосновывающих, что адаптация трудового законодательства к климатическим вызовам требует комплексного, многомерного подхода, сочетающего экологическую ответственность с социальной справедливостью, экономическим развитием и правовой определённой.

Ключевые слова: трудовые отношения, зелёная трансформация, рынок труда, изменение климата, правовые гарантии

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REZUMAT:

ASPECTE JURIDICE ALE OCUPĂRII FORȚEI DE MUNCĂ DURABILE ÎN TRANZIȚIA VERDE A PIEȚEI MUNCII

Schimbările climatice globale reprezintă o provocare din ce în ce mai serioasă nu numai pentru sistemele de mediu, ci și pentru sferele economice și sociale, afectând în special dinamica pieței muncii și capacitatea statelor de a oferi locuri de muncă decente și durabile. Tranziția continuă către o economie verde sau cu emisii reduse de carbon necesită o regândire fundamentală a cadrelor juridice și instituționale care guvernează relațiile de muncă. Pe măsură ce economiile se restructurează ca răspuns la imperativele de mediu, legislația muncii trebuie să evolueze pentru a sprijini această transformare, asigurând în același timp protecția drepturilor lucrătorilor și crearea unor piețe ale muncii echitabile și incluzive.

Acest articol examinează principiile ocupării forței de muncă durabile în contextul schimbărilor climatice, concentrându-se pe necesitatea armonizării politicilor de mediu cu legislația muncii și strategiile de ocupare a forței de muncă. În acest context, ocuparea forței de muncă durabile se referă nu numai la crearea de locuri de muncă în sectoare responsabile din punct de vedere ecologic („locuri de muncă verzi”), ci și la dimensiunea socială a transformării muncii - asigurarea justiției sociale, a incluziunii și a rezilienței în fața schimbărilor economice induse de climă.

Lucrarea examinează atât standardele juridice internaționale, cât și abordările naționale, subliniind importanța integrării cadrelor globale, cum ar fi Liniile directoare pentru o tranziție justă ale Organizației Internaționale a Muncii și Acordul de la Paris, în politicile și legislația națională. Este oferită o analiză juridică detaliată, evidențiind modul în care aceste angajamente internaționale pot fundamenta reformele naționale ale legislației muncii pentru a sprijini o tranziție justă și durabilă.

O atenție deosebită este acordată experienței Republicii Moldova și capacității sale juridice de a se adapta la provocările legate de climă în lumea muncii. Sunt extrase perspective comparative din țări precum Germania, Canada și Belarus, care au adoptat cadre juridice și politice progresive pentru a aborda provocările legate de ocuparea forței de muncă legate de schimbările climatice. De exemplu, integrarea de către Germania a strategiilor climatice și de ocupare a forței de muncă, sprijinul federal al Canadei pentru lucrătorii afectați de tranziția energetică și programele de ocupare a forței de muncă de stat din Belarus oferă modele valoroase.

Articolul formulează o serie de propuneri pentru îmbunătățirea legislației actuale pentru Republica Moldova: dezvoltarea unor strategii naționale de ocupare a forței de muncă durabile, garanții legale pentru recalificarea și perfecționarea lucrătorilor, crearea de stimulente pentru crearea de locuri de muncă ecologice și alinierea instituțiilor pieței muncii la obiectivele de mediu. De asemenea, formulează o serie de concluzii care justifică faptul că adaptarea legislației muncii la provocările climatice necesită o abordare cuprinzătoare, multidimensională, care să echilibreze responsabilitatea de mediu cu justiția socială, dezvoltarea economică și certitudinea juridică.

Cuvinte cheie: relații de muncă, transformare verde, piața muncii, schimbări climatice, garanții legale

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1. Introduction

Global climate change presents a growing challenge not only to environmental systems but also to economic and social structures, particularly labour markets. According to the UN, the number of jobs in renewable energy has increased to 16.2 million worldwide thanks to investments in solar and hydrogen technologies, but, these jobs are unevenly distributed: almost half of them are in East

Asia¹. The transition to a green economy necessitates a re-evaluation of labour laws to ensure decent and sustainable employment.

Climate change is no longer a purely environmental issue, but a socio-economic challenge that disrupts labor markets and employment stability. The transition to a low-carbon economy requires a legal framework that supports the adaptation of the workforce while ensuring social justice. The Republic of Moldova, like many other countries, faces the dual challenge of mitigating climate change and maintaining economic sustainability. In this regard, it is of interest to analyze the current labor legislation, primarily in relation to the norms of the international framework - international legal guarantees.

Trends in the development of labor legislation are determined by climate-related economic changes. At the same time, ensuring sustainable employment - defined not only as jobs in green sectors, but also as fair, inclusive and sustainable labor markets - is one of the key objectives of most states. The presented article is based on international best practices and proposes some legal reforms for Moldova to align its labor policy with environmental sustainability. Given the emerging trends of labour market digitalisation and the growing number of workers engaged in platform work, the question of how the working conditions of digital platform workers relate to the green transformations of the labour market becomes increasingly relevant, especially as the Republic of Moldova continues the process of aligning its national legislation with EU standards. Thus, the Republic of Moldova has committed to transposing European Union Directive EU 2024/2831 into national legislation by December 2026. EU Directive 2024/2831 of 23 October 2024² introduces minimum standards to improve working conditions in platform work, ensuring greater legal certainty and protection for workers engaged in digital labour platforms. It establishes a presumption of employment in cases where platforms exert significant control, helping prevent misclassification and supporting more stable and sustainable forms of employment. The Directive further regulates algorithmic management, requiring human oversight over automated decision-making systems and granting workers the right to challenge such decisions. By enhancing data protection and transparency, the Directive contributes to fair, safe, and sustainable labour relations in the context of the green transition of the modern labour market.

Economic and legal studies show that "The green transformation of production structures needed to achieve net zero emissions—with large changes expected in capital infrastructure for greener energy and products—will also entail a transformation of the labor market, changing the allocation of workers across occupations and sectors." According to the World Economic Outlook analysis has found the policy package required to achieve net zero emissions by 2050 would lead to about 2 percent of the global workforce changing the sector in which they work over the next 30 years, with workers moving from polluting, higher-emissions sectors to those that are cleaner and generate lower emissions³.

2. Method

The basis for studying the green transformation of the labor market from a legal perspective is an interdisciplinary methodological approach. This scientific method includes, along with legal analysis, also policy assessment and socio-economic research for a comprehensive study of how labor legislation can adapt to climate change while promoting sustainable employment.

The analysis of the existing legal framework, including international treaties, national legislation and case law, to assess their effectiveness in promoting sustainable employment forms the basis of the study. We reviewed the International Labour Organization Guidelines for a Just

¹ The global economic recovery is slowing, the International Labour Organization warns. <https://www.ungeneva.org/ru/news-media/news/2025/01/102264/vosstanovlenie-mirovoy-ekonomiki-zamedlyatsya-preduprezhdaet> (Accessed: 15.11.2025).

² Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving working conditions in platform work. PE/89/2024/REV/1. <https://eur-lex.europa.eu/eli/dir/2024/2831/oj/eng> (Accessed: 15.11.2025)

³January 2025 World Economic Outlook (WEO) Update. <https://www.imf.org/en/Publications/WEO/Issues/2025/04/22/world-economic-outlook-april-2025> (Accessed: 25.10.2025)

Transition¹ and the Paris Agreement², as well as a number of provisions of the Moldovan labor legislation regarding adaptation to climate change.

Of practical importance is also a comparative legal analysis to assess how different jurisdictions regulate the transition to green employment. The study focuses on the German Energiewende policy³, the Canadian Just Transition Act⁴ and some other countries, emphasizing the possible use of effective practices in Moldova. Policy analysis and impact assessment further enrich the study by assessing how existing and proposed laws impact labour markets and environmental objectives. This includes a thorough analysis of the National Development Strategy of Moldova 2030 (Law of Republic of Moldova No. LP315/2022 - The National development strategy "European Moldova 2030").⁵ for its alignment with climate and labour integration and an assessment of the implications of the EU Green Deal - European Green Deal Policies and Sustainability,⁶ for Moldova's labour legislation. The research also employs statistical and economic data analysis, integrating labour market indicators, employment dynamics, and climate-vulnerability indices into the legal discussion.

3. Discussion

Climate change has emerged as a significant disruptor of labour markets worldwide, reshaping employment patterns through multiple channels. Until recently, many authors in the analytical literature noted that environmental and climate targets are increasingly being mainstreamed into new policy fields, like labor market policy, that—until now—had little collaboration with environmental topics⁷.

One of the most immediate effects is job displacement in carbon-intensive industries such as fossil fuels and heavy manufacturing, where decarbonization policies and technological shifts are rendering certain occupations obsolete. Simultaneously, new economic sectors are emerging, including renewable energy, sustainable agriculture, and the circular economy, creating fresh employment opportunities that align with environmental sustainability goals. However, the transition is not always smooth, and economic instability caused by climate change has led to a rise in informal labour, where workers face precarious conditions without adequate social protections.

The concept of sustainable employment has gained prominence as a framework for addressing these challenges. It encompasses three key dimensions: environmental sustainability, which involves jobs that actively contribute to decarbonization efforts; social sustainability, ensuring fair wages, safe working conditions, and robust social protection systems; and economic resilience, which enables labour markets to adapt to climate-induced economic shifts without leaving workers behind. This holistic approach recognizes that the green transition must be just and inclusive, balancing ecological imperatives with social equity.

At the international level, the International Labour Organization has been instrumental in promoting the idea of a just transition through its guidelines, which emphasize that climate policies

¹ Guidelines for a just transition towards environmentally sustainable economies and societies for all. International Labour Organization 2015. <https://www.ilo.org/publications/guidelines-just-transition-towards-environmentally-sustainable-economies> (Accessed: 25.10.2025)

² The Paris Agreement, negotiated by 196 parties at the 2015 United Nations Climate Change Conference, Paris. <https://www.un.org/en/climatechange/paris-agreement> (Accessed: 25.10.2025)

³ Germany 2020. Energy Policy Review. <https://www.iea.org/reports/germany-2020> (Accessed: 25.10.2025).

⁴ Government of Canada (2021). Just Transition Act. <https://www.ourcommons.ca/Content/Committee/441/RNNR/external/InternationalInstituteForSustainableDevelopment-e.pdf> (Accessed: 25.10.2025)

⁵ Law of Republic of Moldova No. LP315/2022 - The National development strategy "European Moldova 2030" <https://www.legis.md> (Accessed: 25.10.2025)

⁶ European Green Deal Policies and Sustainability https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal_en (Accessed: 25.10.2025)

⁷ Bohnenberger, Katharina. (2022). Greening work: labor market policies for the environment. Empirica. 49. 10.1007/s10663-021-09530-9. https://www.researchgate.net/publication/357540867_Greening_work_labor_market_policies_for_the_environment (Accessed: 25.10.2025)

should not exacerbate inequality. Central to this framework is the principle of social dialogue, requiring collaboration between governments, employers, and workers to design equitable transition strategies. Additionally, the ILO highlights the importance of skills development for green jobs and the need for strong social protection mechanisms to support workers displaced by industrial transformations. The International Labour Organization defines green jobs as "decent jobs that contribute to preserving or restoring the environment" in sectors such as energy efficiency, waste management, renewable energy, and sustainable agriculture¹. In its foundational report, *Green Jobs: Towards Decent Work in a Sustainable, Low-Carbon World*, the ILO argues that green jobs should be not only environmentally sound but also decent—meaning they offer fair wages, safe conditions, and social protections. In 2015, the ILO released the *Guidelines for a Just Transition*², a policy framework for integrating environmental goals with labor standards. The guidelines stress the importance of: Promoting green jobs through proactive industrial policies; Providing vocational training and re-skilling opportunities; Ensuring robust social protection systems; Engaging in tripartite social dialogue. The UN report "Working Towards Sustainable Development: Opportunities for Decent Work and Social Inclusion in a Green Economy"³ expands on the potential for green growth to generate millions of jobs worldwide. The report concludes that "green sectors have the potential to be major job creators," but warns that without legal safeguards, the transition could deepen existing inequalities⁴.

The UN report highlights:

- Green jobs contribute to reducing environmental risks while ensuring decent employment;
- National policies should support job creation in renewable energy, sustainable agriculture, and green construction;
- Legal systems must adapt to ensure inclusive growth and fair access to new economic opportunities.

The Paris Agreement of 2015 further reinforces the link between climate action and labour market policies. Article 7 of the agreement explicitly calls for climate adaptation measures that consider labour market implications, urging nations to integrate employment concerns into their climate strategies. This international commitment provides a foundation for countries to develop policies that simultaneously address environmental and social challenges.

Varied strategies to manage the labour market impacts of climate change have been adopted by many countries, and these examples can be used in improving the legislation of Moldova. Germany's *Energiewende*, or Energy Transition, serves as a leading example of how to integrate climate and employment policies effectively⁵. Through targeted initiatives, Germany has promoted renewable energy jobs while implementing worker retraining programs to help employees in traditional industries transition to new roles.

As part of its commitment to align with the European Green Deal, Turkey has initiated national strategies aimed at integrating sustainability into employment law. The Ministry of Labor and Social Security, in collaboration with the Ministry of Environment and Urbanization, has supported vocational programs like *Yeşil Meslekler*⁶, targeting young unemployed individuals and offering training in renewable energy, waste management, and energy efficiency systems.

¹ Bohnenberger, Katharina. (2022). Greening work: labor market policies for the environment. *Empirica*. 49. 10.1007/s10663-021-09530-9. https://www.researchgate.net/publication/357540867_Greening_work_labor_market_policies_for_the_environment (Accessed: 25.10.2025)

² Guidelines for a just transition towards environmentally sustainable economies and societies for all. International Labour Organization 2015. <https://www.ilo.org/publications/guidelines-just-transition-towards-environmentally-sustainable-economies> (Accessed: 25.10.2025)

³ Working Towards Sustainable Development: Opportunities for Decent Work and Social Inclusion in a Green Economy. <https://www.iisd.org/publications/towards-green-economy-pathways-sustainable-development-and-poverty-eradication> (Accessed: 25.10.2025).

⁴ Ibid.

⁵ Germany 2020. Energy Policy Review. <https://www.iea.org/reports/germany-2020> (Accessed: 25.10.2025)

⁶ Baş, Halim. (2021). Green Growth and Green Jobs in Turkey: An Opportunity for Youth Employment in Competitive Markets. 10.1007/978-3-030-68612-3_7.

Turkey has also explored tax incentives and public-private partnerships to stimulate green employment. However, legal reform remains piecemeal. The absence of a clear statutory definition of green jobs and the lack of binding labor-environment integration pose challenges for consistency and enforcement. The researchers note that measures taken to increase the share of the green economy and achieve the UN SDGs and “...that green energy investments can simultaneously achieve environmental goals and promote economic stability through job creation and improve trade balances”.¹

Canada has taken a proactive approach with its Just Transition Act², which provides financial aid and retraining opportunities for workers in the fossil fuel sector. The government has also introduced incentives for green job creation, fostering employment in clean energy and other sustainable industries. Meanwhile, Belarus has pursued state-led solutions through its National Green Economy Plan (The National Action Plan),³ which includes vocational training programs to prepare workers for eco-friendly sectors.

These examples highlight several key takeaways for Moldova. First, policy coherence between climate objectives and labour market strategies is essential for a smooth transition. Second, active labour market policies, such as retraining and upskilling initiatives, can help workers adapt to new economic realities. Finally, robust social protection mechanisms are crucial to safeguarding vulnerable workers during periods of industrial change.

Currently, Moldova’s labour legislation lacks sufficient integration of climate considerations, leaving workers in transitioning sectors with inadequate protections. The country faces several structural challenges, including its heavy economic dependence on agriculture—a sector highly vulnerable to climate change impacts. Additionally, brain drain has reduced the availability of skilled labour, while insufficient investment in green industries has limited job creation in sustainable sectors.

Addressing these issues will require comprehensive legal and policy reforms. Moldova must strengthen its labour laws to incorporate climate resilience measures, expand social protections for affected workers, and invest in education and training programs to prepare the workforce for green jobs. By learning from international best practices and tailoring them to local contexts, Moldova can build a more sustainable and inclusive labour market capable of weathering the challenges posed by climate change.

When making changes to legislation, it should be taken into account that labor legislation is influenced by tripartite cooperation between trade unions, employers and the state. Therefore, the expert's opinion deserves attention: “Tripartite partners refers to the three primary social partners in the just transition: governments (including Indigenous governments in nation-to-nation relationships), employers, and workers and their organizations. Tripartite social partners are the three core actors that cooperate and engage in dialogue on affected work, labour standards, policies and programs via consultation, negotiation and information exchange. A tripartite approach to just transition policy development ensures cooperation among these three social partners, increased participation from those affected, and improved governance”⁴.

https://www.researchgate.net/publication/350841814_Green_Growth_and_Green_Jobs_in_Turkey_An_Opportunity_for_Youth_Employment_in_Competitive_Markets The Scientific And Technological Research Council Of Türkiye. <https://www.greenjobs.com.tr/> (Accessed: 25.10.2025).

¹ Kübra Atik Gözkün, Özgür Orhangazi. Green transition for Turkey: Growth, employment, and trade deficit effects\\ Energy Policy, Volume 202, 2025, 114577, ISSN 0301-4215, <https://doi.org/10.1016/j.enpol.2025.114577>.

<https://www.sciencedirect.com/science/article/pii/S0301421525000849> (Accessed: 25.10.2025)

² Government of Canada (2021). Just Transition Act. <https://www.ourcommons.ca/Content/Committee/441/RNNR/BR12010543/br-external/InternationalInstituteForSustainableDevelopment-e.pdf> (Accessed: 25.10.2025)

³ The National Action Plan for the Development of the Green Economy in the Republic of Belarus, adopted by the Decree No. 1061 of the Council of Ministers, December 21, 2016. https://economy.gov.by/en/np_green_economy-en/ (Accessed: 25.10.2025).

⁴ Matt Hulse (Ecojustice). Proposals for the Canadian Just Transition Act. January 2023 <https://ecojustice.ca/wp-content/uploads/2023/02/2023-01-23-Proposals-for-the-Canadian-Just-Transition-Act-Final>. (Accessed: 15.11.2025)

In general, it should be noted that changes in the economy and the transition to more environmentally friendly technologies inevitably have an impact on all sectors of the economy, including the labor market. The analysis suggests that more stringent environmental policies are associated with employment with higher green intensity and lower pollution and emissions intensities. Specifically, the findings suggest that a country that moves from the 25th to the 75th percentile in environmental policy stringency would see a 2 percent increase in its average green intensity of employment; its average pollution and emissions intensities would decline by about 4 and 6 percent, respectively. In other words, policies that encourage greater environmental sustainability are statistically significantly related to greener employment¹.

4. Conclusion and recommendations

The transition toward sustainable employment faces significant legal hurdles, particularly regarding regulatory gaps and implementation barriers. A fundamental challenge lies in the absence of standardized definitions for green jobs across national labor frameworks, creating difficulties in monitoring compliance and incentivizing employer participation. This definitional vacuum is compounded by insufficient coordination between labor ministries and environmental agencies, resulting in disjointed policy approaches that fail to address the intersection of climate action and workforce development. Social protection systems further exacerbate these challenges, especially in emerging economies where workers displaced from carbon-intensive industries often fall through the cracks of inadequate safety nets.

Despite these obstacles, the green transition presents opportunities for legal innovation and strategic policy development. Introducing legally binding definitions of green jobs within labor codes would provide much-needed clarity and legitimacy to sustainable employment initiatives. Similarly, embedding environmental obligations into employment contracts could institutionalize sustainability as a core component of labor relations. Institutional reforms, such as establishing independent Just Transition Commissions with statutory mandates, could ensure coordinated oversight of green labor policies. Additionally, integrating green vocational training standards into national qualification frameworks would equip workers with the skills needed for emerging sustainable industries. These measures would not only strengthen the legal foundation of green labor reforms but also align employment law with broader environmental objectives.

The green transformation of labor markets demands more than technological change—it requires a fundamental rethinking of legal and institutional frameworks to ensure a just and inclusive transition. Current systems often suffer from misaligned environmental and labor legislation, constrained budgets for worker retraining programs, and the persistent lack of legal recognition for green jobs. However, these challenges can be addressed through targeted legal innovations, including the formal codification of green job classifications, amendments to labor codes that incorporate sustainability principles, and the creation of specialized oversight bodies such as Just Transition Authorities.

International experiences demonstrate that successful transitions hinge on the integration of labor rights with environmental sustainability within national legal systems. While countries like Turkey and Moldova have begun incorporating sustainable employment policies, drawing on guidance from international organizations such as the ILO and UN, further progress depends on enhanced legal frameworks and institutional cooperation. By adopting clear definitions, robust standards, and inclusive policies, nations can ensure that the shift to a green economy is both socially equitable and legally enforceable, fulfilling the dual imperatives of environmental protection and decent work for all.

¹ International Monetary Fund. Research Dept. (2022). "A Greener Labor Market: Employment, Policies, and Economic Transformation". In **World Economic Outlook, April 2022**. USA: International Monetary Fund. Retrieved Apr 24, 2025, from <https://doi.org/10.5089/9781616359423.081.CH003> (Accessed: 25.10.2025)

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**ȘTIINȚE POLITICE
POLITICAL SCIENCE
ПОЛИТИЧЕСКИЕ НАУКИ**

**ПОСТСОВЕТСКОЕ ПРОСТРАНСТВО НА РАСПУТЬЕ.
ПРОГНОЗ В УСЛОВИЯ ГЕОПОЛИТИЧЕСКОЙ ТУРБУЛЕНТНОСТИ¹**

**THE POST-SOVIET SPACE AT A CROSSROADS.
A FORECAST IN THE TERMS OF GEOPOLITICAL TURBULENCE**

**SPAȚIUL POST-SOVIETIC SE AFLĂ LA O RĂSCRUCÉ DE DRUMURI. PROGNOZA
ÎN CONDIȚII DE TURBULENȚE GEOPOLITICE**

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**ABSTRACT:
THE POST-SOVIET SPACE AT A CROSSROADS.
A FORECAST IN THE TERMS OF GEOPOLITICAL TURBULENCE**

The collapse of the USSR was marked by social catastrophe for peoples who had lost their sense of being a great country. Democratic Russia is showing signs of a fading economic superpower and has failed to attract the newly independent states created in the Soviet geopolitical space. It would be naive to expect that the "enlightened" West, nurtured by the profiteering and high profit margins of imperial colonialism, will preserve Soviet borders. In geopolitics, if states fail to experience sustained positive development over a quarter of a century, they transform from subjects into objects of global politics, lose territory, or disintegrate. In fact, a new global periphery is emerging in the post-Soviet space, and under these conditions, preserving national identity is paramount.

Key words: geopolitics, geopolitical transformation, post-Soviet space, newly independent states, multi-vectorism, transit of power, global periphery.

JEL Classification: F15, F52.

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РЕЗЮМЕ:
ПОСТСОВЕТСКОЕ ПРОСТРАНСТВО НА РАСПУТЬЕ.
ПРОГНОЗ В УСЛОВИЯ ГЕОПОЛИТИЧЕСКОЙ ТУРБУЛЕНТНОСТИ

Распад СССР ознаменовался социальной катастрофой для народов, проигравших чувство великой страны. Демократическая Россия демонстрирует признаки угасающей экономической сверхдержавы и не стала притягательной для новых независимых государств, созданных в советском геополитическом пространстве. Было бы наивно рассчитывать, что «просвещённый» Запад, возвращенный на наживе и высокой норме прибыли имперского колониализма, сохранит советские границы. В геополитике существует правило, если за четверть века в государствах не происходит устойчивое позитивное развитие, они превращаются из субъекта в объект мировой политики, теряют территории или распадаются. Фактически на постсоветском пространстве формируется новая мировая периферия и в этих условиях, прежде всего, требуется сохранить национальную идентичность.

Ключевые слова: геополитика, геополитическая трансформация, постсоветское пространство, новые независимые государства, многовекторность, транзит власти, мировая периферия.

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REZUMAT:
SPAȚIUL POST-SOVIETIC SE AFLĂ LA O RĂSCRUCE DE DRUMURI.
PROGNOZA ÎN CONDIȚII DE TURBULENȚE GEOPOLITICE

Prăbușirea URSS a fost marcată de o catastrofă socială pentru popoarele care au pierdut sentimentul unei țări mari. Rusia democratică dă semne ale unei superputeri economice care se estompează și nu a devenit atractivă pentru noile state independente create în spațiul geopolitic sovietic. Ar fi naiv să ne așteptăm ca Occidentul "luminat", ridicat pe profit și rata ridicată a profitului colonialismului imperial, să păstreze granițele Sovietice. În geopolitică, există o regulă conform căreia, dacă o dezvoltare pozitivă stabilă nu are loc în State timp de un sfert de secol, acestea se transformă dintr-un subiect într-un obiect al politicii mondiale, pierd teritorii sau se dezintegrează. De fapt, în spațiul post-sovietic se formează o nouă periferie globală și, în aceste condiții, în primul rând, este necesară păstrarea identității naționale.

Cuvinte-cheie: geopolitică, transformare geopolitică, spațiu post-sovietic, state nou independente, natură multi-vectorială, tranzit de putere, periferie globală.

JEL Classification: F15, F52.

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Введение

Распад СССР начался с хрущевской оттепели (или «слякоти»), идеологического догматизма и последующего вырождения партийной номенклатуры. Он не завершился в 90-е годы и входит в новую стадию в связи с геополитической трансформации мира, кризисом неолиберальной глобализации и начинающегося кардинального транзита власти¹. Главная утрата — ментальность советского человек, чувства коллективизма, дружбы народов. Распад ознаменовался социальной катастрофой для народов, проигравших чувство великой страны. При этом русские стали самым разделенным народом. Советская власть обеспечивала успешное развитие национальных республик, ставших независимыми от Москвы.

¹ Владимир Дергачев Тридцать лет распада СССР. Несостоявшееся Содружество Независимых Государств. Прощание с постсоветским пространством. URL: https://dergachev.org/geop_events/051221-01.html. (Visited 18.11.2025).

В геополитике существует правило, если за четверть века в государствах не происходит устойчивое позитивное развитие, они превращаются из субъекта в объект мировой политики, теряют территории или распадаются. При трансформации геополитического пространства неизбежны гражданские и военные конфликты не только с утратой территорий, но и государственности¹. Поэтому прозападные перевороты в новых независимых государствах («революции», «майданы») во главе с патриотами-марионетками неизбежно способствовали, и будут этому способствовать. Технологии «цветных» революций дали сбой (Россия, Белоруссия, Грузия), или привели к крупномасштабному военному конфликту и Третьей Руине (Украина).

Главная геополитическая и геоэкономическая особенность трансформации постсоветского пространства заключается в появлении несостоявшихся государств с прозападной националистической элитой, находящейся под внешним управлением. Местные «элиты в законе» в борьбе за власть или её сохранение используют демократическую риторику как «орудие пролетариата» (бульжник) в борьбе за власть.

Игры в неолиберальную демократию создали многочисленные псевдо партии, большинство из которых – организованные партийные группировки (ОПГ), борющиеся за доступ к «корыту власти» и бизнесу на государственных ресурсах. Так как с каждым годом этот ресурс уменьшался, появились партии патриотов-марионеток с девизом «Запад нам поможет». Это привело к деиндустриализации, утрате территории и снижения уровня и качества жизни граждан. Вернуть утраченные территории, созданные в советском геополитическом пространстве, власть не может. Для этого нужна другая элита, исповедующая интернационалистические принципы.

Новые независимые государства оказались вовлечены в недавнем прошлом в разномасштабные интеграционные процессы на постсоветском пространстве, стали исповедовать многовекторность или изоляционизм (Туркмения). Их границы созданы в советском геополитическом пространстве сверхдержавы на фундаменте интернационализма.

России, угасающая сверхдержава

Коррумпированная олигархическая и экономически слабая Россия с идеологическим вакуумом все меньше становится притягательной в качестве полюса интеграции для новых поколений в постсоветских странах. Россия – страна «вечной беременности» (по образному выражению философа Мераба Мамардашвили), где от заимствования чужих идей, превращенных в другом социокультурном пространстве в догму, остаются развалины, на которых воздвигается очередной храм идей.

Россия рано перешла к социализму и поздно возвращается в капитализм, впитывая с Запада все самое худшее. Отказавшись от модели социалистического социально ориентированного государства, она оказалась на периферии угасающего западного мирохозяйственного уклада, новый полюс которого формируется во главе с КНР и Индией. По количеству олигархов, приватизировавших общенародную собственность, и коррумпированных чиновников, Россия заняла «достойное» место в мире. Созидательный дух трансформировался в дух наживы. Доморожденные демократы, всплывшие на поверхность политической жизни по известному закону физики, предали социалистические идеи и государства, ориентирующиеся на СССР, и русских в ближнем зарубежье².

¹ Владимир Дергачев Трансформация бывшего советского геополитического пространства. Когда и чем завершится его окончательный распад? URL: https://dergachev.org/geop_events/281120-02.html (Visited 18.11.2025).

² Дергачев В.А. «Страна вечной беременности»: Российское многомерное коммуникационное пространство. — Российский исторический журнал «Родина», 1999, №1.

Дергачев В.А. Геополитика. — М.: ЮНИТИ-ДАНА, 2004. URL: <http://dergachev.org/book-geop-2004/12.html>. (Visited 18.11.2025).

Владимир Дергачев. Стратегическое бездорожье России. — Интернет-портал «Институт геополитики». URL: http://dergachev.org/geop_events/220910.html. (Visited 18.11.2025).

«Эффективные» менеджеры правящей партии оказались хуже, чем бояре в Новгородской земле тысячу лет назад. Преимущественно коррумпированная элита, не сможет спасти государство от внешних вызовов, наступательных западных фронтов от американской геополитической «петли Анаконды» до «мягкой силы» в экономике, культуре, науке и образовании. В судьбоносное для государства время она бросится спасать не Отечество, а приватизированное и награбленное «непомерным трудом» наживу.

Пресловутой национальной идеей России вместо коммунизма стало «светлое» капиталистическое будущее в период его заката на основе удвоения ВВП и создания сырьевой энергетической сверхдержавы. Закономерно, что этот «гениально» выбранный путь потерпел фиаско, но привел к неприличному обогащению «элиты в законе», находящейся у корыта власти.

«Элита в законе» — это маргинальная социальная прослойка, всплывшая на поверхность общественно-политической жизни в период трансформации Восточной Европы. Вхождение во власть физических лиц без моральных ограничений, способных ухватить больше, чем положено по закону. «Элита в законе» стремится к имитации деловой активности и приобретению государственных степеней отличия (правительственных наград и званий), которые «повязывают» её с властью и таким образом создают гарантию безнаказанности и пожизненных материальных благ. Благодеяние «элиты в законе» обусловлено преступным «бизнесом» на государственных ресурсах.

Произошла дикая трансформация России из экономической сверхдержавы в страну Большой трубы и пошлого шоу-бизнеса. Вместо коммунистической партии – правящая организованная партийная группировка, фундаментом которой является нажива, бизнес на государственных ресурсах и коррупция. В социальных сетях распространен анекдот: «Трудная работа у президента, куда не глянь — воруют, а расстрелять некого — все свои!».

За многие годы пустопорожней болтовни самое протяженное государство мира в отличие от коммунистического Китая не смогла создать современный скоростной транспортный каркас. Строительство БАМа было оклеветано, а многочисленные коммуникационные прожекты остались на бумаге. За первую четверть 21 столетия исчезло 100 тыс. российских деревень, осталось 75 тыс., преимущественно в бездорожье, с населением от 1 до 25 человек, в основном старух. Сибирь и Дальний Восток постепенно становятся ресурсным протекторатом Большого Китая.

Специальная военная операция (СВО) показала неспособность российской армии с коррумпированным генералитетом выполнить поставленные цели денацификации, демилитаризации, а также защиту русскоязычного населения. СВО трансформировалось в затяжную войну, сопоставимую по времени с Великой Отечественной войной СССР и Гражданской войной в США. Ядерная сверхдержава в течение четырех долгих лет продвинулась до небольшого городка Покровска (Красноармейска) на 28 км на запад от Донецка. За это время погибло более миллиона военнослужащих противоборствующих армий и миллионы украинских беженцев покинули страну. Вооружённые силы Украины наносят существенный ущерб российским тылам, ущерб от спецоперации «Паутина» оценивается в \$7 млрд. или 10% уничтоженной или повреждённой российской стратегической авиации. Черноморский флот России частично уничтожен или перебазирован.

Российская власть после распада СССР предала русских в ближнем зарубежье, а «освобождение» русского мира окончательно его похоронит. В результате СВО и введённых антироссийских санкций энергетическая сверхдержава стала банкротом.

Владимир Дергачев. [«Чтобы сойти с ума — надо его иметь»](http://dergachev.org/countries/12.html). Тенденции постсоветской имитации Реформации и Просвещения. – Международный журнал «Мир перемен», 2007, № 2. URL: <http://dergachev.org/countries/12.html>. (Visited 18.11.2025).

Главный итог военной операции – острая необходимость трансформации «бессмертной» власти, пока она со своими дворцами и сундуками, набитыми народным добром не разрушило государство.

Специальная военная операция выявила проблему «пятой колонны», в которой оказалась российская молодежь, одурманенная в первые два десятилетия «демократической» властью о братании с Западом. Только за 2022 год Россию покинуло от 0,5 до 1,3 млн. молодых, в основном образованных людей с востребованными профессиями. Отток молодых граждан ведет не только к утечке специалистов, но лишает государство будущего.

Лидерами среди «иноагентов» оказался немногочисленный, но влиятельный еврейский клан, получавший от власти всевозможные почести и награды, успешно использовавший демократическую Россию для обогащения. Активизировался исход евреев, включая трубачей российской демократии и олигархов, деятелей науки и шоу-бизнеса в новые земли обетованные из державы, где родились и профессионально состоялись. В качестве авангарда западных «тройных коней» русские евреи использовались и в советскую эпоху. Но нужно различать среди современных «иноагентов», независимо от национальности, тех, кто выступает за смену власти в Отечестве, и тех, кто желает гибели, распада Родины.

Безумно богатая, но заплутавшая на безграничных просторах без стратегического видения олигархическая Россия сохранила статус второй ядерной сверхдержавы и может гордиться численностью миллиардеров, присвоивших природную ренту в стране, где бедные стали еще беднее, а зарубежным офшорами принадлежит до 70 % российских производственных стратегических активов¹.

Известный социолог Игорь Бестужев-Лада дал следующую характеристику российской демократии: тотальная деморализация (оподление), тотальная дезинтеллектуализация (оглушение), тотальная патофизиологизация (остервенение). Но более лаконично и без политкорректности еще в 1920 году отметил в своем дневнике великий российский мыслитель академик **Владимир Вернадский**: «...русская демократия — это царство сытых свиней».

Несмотря на ускоряющиеся шаги искусственного интеллекта, главной геополитической силой остается сила духа. Из-за противоположных цивилизационных проектов с Западом, тысячелетнее Российское государство на протяжении многих веков остаётся объектом непримиримой русофобии. В XXI веке в условиях кризиса неолиберальной глобализации, любовь к Отечеству и традиционная семья остается одно из главных ценностей русской цивилизации. Россия первой из бывшего социалистического лагеря протрезвела от бездумного стремления к богатому «пузу» Запада. Осталось только с умом распорядиться собственным богатством и зажечь созидательную человеческую энергию. Рубежная русская культура и русский язык пока остаются самым величайшим завоеванием и стратегическим ресурсом России, ее главным энергоносителем².

Белоруссия, сохранившая и приумножившая советское наследие

Советская Белоруссия была одной из самых процветающих союзных республик, восстановившая в короткие сроки экономику после разрушительных лет немецкой оккупации. Высокие темпы послевоенной индустриализации привели к тому, что даже столица республики стала преимущественно крестьянской, здесь доминируют неадаптированные сельские мигранты — рабочие и интеллигенция в первом поколении.

Закономерно, что в условиях относительно демократических выборов, именно в независимой Белоруссии победил «крестьянский» президент. Сегодня у многих россиян и украинцев сформировался народный миф о благополучной стране, где люди вовремя получают зарплату, и есть хозяин («батька»), который заботится, прежде всего, о простых людях. Президент Лукашенко — настоящий белорусский националист-патриот.

¹ Владимир Дергачев [Гибель мировой секретной империи](http://dergachev-va.livejournal.com/12337.html). — Иллюстрированный журнал «Ландшафты жизни». URL: <http://dergachev-va.livejournal.com/12337.html>. (Visited 18.11.2025).

² Владимир Дергачев Россия. Страна «вечной беременности» на пути к новой мировой периферии. URL: https://dergachev.org/geop_events/281120-03.html. (Visited 18.11.2025).

Геополитическое положение Белоруссии имеет исключительное значение для России. Республика является российскими воротами в Западную Европу и одновременно служит барьером для создания антироссийского Балто-Черноморского геополитического щита. В восточноевропейском пространстве Белоруссия остается наиболее советизированной республикой, максимально сохранившей государственный контроль над производством и советский образ жизни. По данным Всемирного Банка экономика Белоруссии составляет 6 % российского ВВП. До мирового финансового кризиса республика в отличие от России не осуществляла крупные заимствования у международных финансовых институтов. С 1997 года действует договор о Союзном государстве Россия — Белоруссия. Но не только белорусский президент, но и элита республики отвергает олигархическую российскую модель, которая не может быть привлекательной для социально ориентированного государства. Не случайно Минск активизировал свою роль в международном Движении неприсоединения («третий путь»).

Республика, отказавшаяся от «шоковых» бросков в капитализм и сохранив относительный социально-психологический комфорт, имеет высокий показатель качества жизни в постсоветском пространстве. Социально-психологический климат Белоруссии, не испытавшей «шоковой терапии» рынка, остается привлекательным для мигрантов. Вместе с тем, в России трудится много трудоспособных белорусов. Белорусская власть не дала разграбить и сохранила бывший «сборный цех» Советского Союза. В постсоветском пространстве только Белоруссия наряду с Казахстаном превысила к 2005 году уровень производства ВВП и доходов на душу населения по сравнению с 1990 годом. Российская власть, допустившая в 90-е годы преступное социальное расслоение и деградацию в общественной жизни, ревниво относится к белорусской стабильности. Где себестоимость производства многих продуктов питания ниже, чем в особо коррумпированной России, за что Кремль периодически ограничивает импорт белорусского продовольствия. Происходят систематические конфликты с Россией о ценах на поставку природного газа и нефти.

Украина. Форпост «цивилизованного» мира против «варваров»

Украина — рубежное государство в Юго-Восточной Европе, утратившее за годы независимости ядерный статус и из среднеразвитой европейской державы превратилась в маргинала мировой экономики. В геополитическом коде Украины выделяются внешние и внутренние векторы, обеспечивающие в недавнем прошлом баланс национальных интересов. Генеральным направлениям Запад (Европейское Сообщество), Восток (Россия) и Юг (Море) соответствует внутренний код, отражающий особенности Западной, Восточной и Южной Украины. Утрата одного из внешних направлений ведет к разрушению многомерного коммуникационного пространства государства. Уникальность Украины заключается в целенаправленном уничтожении восточного (российского) вектора в надежде на ускоренное продвижение на капиталистический Запад. Однако произошла цепная реакция, был разрушен южный (морской) вектор, создаваемый последние два столетия в российском геополитическом пространстве и усилилось дистанцирование по уровню жизни от Запада.

Рубежность Украины проявляется в географическом положении на западе Великой Евразийской степи, на суперэтнических рубежах западноевропейской, славянской и исламской цивилизаций. В эпоху Руины Украина была разделена между Польшей и Россией. Это усилило этнокультурные различия между восточными и западными украинцами, Левобережной и Правобережной Украиной. Историческая природа украинской независимости основана на антирусской идее.

Геоэкономический код Украины формировался под воздействием традиций городского (западноевропейского) и казачьего самоуправления. В Речи Посполитой магдебургское право было даровано многим украинским городам. Природный фактор также наложил отпечаток на местном хозяйственном укладе. В отличие от московской Руси, где природно-

климатические условия требовали объединения крестьян, обрабатывающих землю общиной, на Украине было распространено единоличное хозяйство.

За годы частично растраниженной независимости Украина совершила полет от «темного» советского индустриального прошлого к «светлому» европейскому будущему «аграрной державы». Произошло банкротство проекта самостийной мононациональной Украины в условиях деиндустриализации и депопуляции.

По данным Всемирного банка за период 1990 - 2020 годы ВВП (ППС) Турции увеличился в 6 раз, а Украина установила мировой рекорд деградации экономики (в 2 раза меньше уровня 1990 года). Перед распадом СССР выплавка стали в Украинской ССР составляла 53-57 млн. тонн, а после утраты территорий в 2024 году — 7,6 млн. тонн. После потери последней шахты с коксующимся углем под Покровском выплавка сократится до 2-3 млн. т.

Демографическое проклятье Украины – катастрофическое сокращение численности населения с 52 млн. до 25 млн. или более чем в 2 раза при неблагоприятной демографической возрастной пирамиде с низкой долей трудоспособного населения.

В современной истории Украины с подачи местных «патриотов-политиков» «выдающаяся» роль принадлежит американским неоконсерваторам (евреям), возглавляемым неолиберальную глобализацию. Фактически впервые в мире использована исключительно эффективная западная (американская) технология «мягкой силы» за счет объединения местных радикальных националистов и евреев. Жидобандеры стали главным достижением самостийности, они возглавили один из последних форпостов неолиберальной глобализации против варваров (России) и крупную украинскую коррупцию. Крупнейший в мире американский социолог Питирим Сорокин, автор теории социальной стратификации, предупреждал, что крайний национализм и коррупция «близнецы-братья». И обвинять нужно не украинский народ, а тех, кто внедряет разрушительные общество зарубежные технологии.

О неизбежности российско-украинского конфликта и Третьей Руины автор прогнозировал впервые в конце 90-х и начале нулевых годов¹. Перманентные российско-украинские конфликты будут продолжаться в будущем, если продолжится курс на вступлении в НАТО и моноэтническое государство вместо создания единой украинской нации на рубежах расколотой Украины.

Российская военная агрессия способствовала ускоренной декоммунизации Украины и Третьей Руине.

В условиях геополитически турбулентности прогнозы чаще всего не оправдываются.

Крупнейший в мире и США инвестиционный банк JPMorgan, в котором создан геополитический центр оценке инвестиционных рисков, прогнозировал завершение конфликта на Украине к июлю 2025 года без возможных гарантий безопасности и переходом в сферу влияния России. Кроме этого «грузинского» варианта, менее вероятен «израильский» сценарий с западными гарантиями безопасности без ввода войск НАТО. Украина останется милитаризованным государством, постоянно готовым к новому конфликту. Наименее вероятны варианты с условными названиями «Южная Корея» и «Белоруссия»², Украина могла существовать с Крымом и, войдя в союзное государство, сохранить суверенитет, как Белоруссия.

В результате российского СВО появились прогнозы создания демилитаризованной зоны на примере немецкого Рура, с ликвидацией флагманов военно-оборонного комплекса (заводов Южмаш и Мотор-Сич). На Западе мечтают о создании англо-французской или американской военной базы в Одессе, своеобразного порто-франко НАТО (Анти-Крыма) вместо несостоявшегося проекта свободной экономической зоны.

¹ Владимир Дергачев Раскаленные рубежи. – Одесса: Астропринт, 1998. URL: <https://dergachev.org/book-12/index.html>. (Visited 18.11.2025). Владимир Дергачев Третья Руина. — Всеукраинская газета День (на русском, украинском и английском языках), 19 мая 2001. URL: <https://day.kyiv.ua/ru/article/obshchestvo/tretya-ruina>. (Visited 18.11.2025).

² <https://strana.today/news/485472-jpmorgan-dal-prohnoz-ob-okonchanii-vojny.html> (Visited 18.11.2025).

Вместо декларируемого в недавнем прошлом проектом «аграрной сверхдержавы» практически реализуется проект «Украина — форпост цивилизованного мира против варваров (России)», за который заплачено миллионом погибших. За счет многочисленных украинских беженцев Западная Европа получила белых трудовых мигрантов (белых рабов, гастарбайтеров). Благодарные европейцы рекомендуют Украине из-за оттока рабочей силы создать резерват для африканских и арабских мигрантов.

Остается нереализованным проект «Вечера на Хуторе близ Европы». Как преодолеть национальную мечту Остапа Бендера «Запад нам поможет» и как не стать «постилкой для других наций»?

Тупики «Восточного партнерства». Молдова, бывшая республика-сад

4 ноября 2025 года состоялся очередной «исторический саммит расширения Евросоюза».

В Брюссель пригласили лидеров шести стран, которые ведут переговоры о присоединении, — Украины, Молдавии, Черногории, Сербии, Албании и Северной Македонии. Еще две страны Турция и Грузия устали десятилетиями стучаться лбом в закрытую дверь Евросоюза, а Босния и Герцеговина и Косово не созрели для этой чести. Еврокомиссия отметила успешные реформы на пути к членству в ЕС в Черногории, Албании, Украине и Молдове. Прозвучала критика Сербии и Грузии, их очередной отчет по прогрессу на пути в ЕС, «был худшим из всех».

Первой в очереди находится Черногория, она может стать членом ЕС в 2028 году, а Украина и Молдова — в 2030 году. ЕК в очередной раз поддержала «амбициозную цель» о вступлении Украины в ЕС в случае окончания боевых действий. Для достижения этой цели необходимо ускорить темпы реформ, особенно верховенство закона. Украинский президент в ходе своего онлайн-выступления заявил, что страна согласится лишь на полноправное членство в объединении, и подчеркнул в очередной раз, что Украина защищает Европу от России.

Европейский союз не отказался от амбициозной цели присоединить десять стран, циркулирует новая идея об их приеме без права вето, пока старожилы не разрешат проблему с реформированием процесса голосования¹.

Геополитическое положение Молдовы, несмотря на соседство с Украиной, определяется ее рубежным положением между Румынией и Россией. Отсюда проистекают два вектора геополитического кода государства — евроинтеграционный и пророссийский.² После провозглашения независимости бывшая советская республика-сад испытывает последствия территориального конфликта и ориентации непризнанной Приднестровской республики на Россию, кризис в экономике и трудовой миграции. В результате одной из беднейших стран Европы трудно проводить независимую внешнюю политику.

Власть Молдовы, подписав резолюцию ООН, осудила российскую агрессию против Украины, в республике оказалось тысячи беженцев, больше, чем в других странах Европы в пересчете на численность молдавского населения. Заявка 2022 года на членство в Европейский союз и референдум 2024 года, включивший в Конституцию эту долгосрочную политическую цель, не решает проблемы сохранения национальной идентичности. Необходимо урегулировать «замороженный» территориальный конфликт в Приднестровье и проблему культурной автономии Гагаузии, ориентированной также на Россию.

В эпоху глобальной трансформации рубежная Молдова оказалась в одном из мировых центров геополитической напряженности, и только нейтральный статус способен сохранить независимость и национальную идентичность.

¹ <https://www.kommersant.ru/doc/8179826>. (Visited 18.11.2025).

² Буриан А.Д. Молдавия между Востоком и Западом в контексте современных геополитических трансформаций. — Revista Moldovenească de Drept Internațional și Relații Internaționale 2013, Nr. 3, P. 44-50. [On-line:] <https://rmdiri.md/assets/archive/2013-3.pdf> (Visited 18.11.2025).

Во что превратились «балтийские тигры»?

Новые независимые страны (Литва, Латвия и Эстония) успешно «дрейфовали» в сторону Западной Европы, стали членами НАТО и в мае 2004 года вступили в Евросоюз. Бывшие советские республики, где проживают преимущественно католики и протестанты, возвратились в западно-христианское конфессиональное пространство. Эстонию, Латвию и Литву в период экономического бума 2000 – 2006 годов называли «балтийскими тиграми». Но затем пошло все не так¹.

Мировой кризис нанес непоправимый удар по экономике и финансам. Страны Балтии оказались в числе мировых аутсайдеров по падению темпов экономического роста, а уровень безработицы стал почти в два раза выше среднеевропейского. Экономическому кризису способствовала и антироссийская внешняя политика, в результате которой сузился рынок транспортных услуг за счет утраты транзита российских грузов. В эпоху советской «оккупации» созданы крупнейшие на Балтике Новоталлинский морской порт и Вентспилский нефтеналивной порт, ставший важной «дойной коровой» для бюджета независимой Латвии. Но благодаря антироссийской политике Россия вынуждена была построить новые порты в Финском заливе.

Страны Балтии надеялись, что антироссийская политика будет экономически компенсирована Европейским Союзом и Соединенными Штатами. Но ЕС рассматривает прибалтийские страны как преимущественно рынок сбыта. А Белый дом всегда подчеркивает новым карликовым вассалам, что они проводят антироссийскую политику ради торжества демократии, а не в надежде получить американскую помощь. С каждым годом все труднее странам Балтии обменивать русофобию на западные дотации.

В Прибалтике после «700 лет немецкого ига» и 50 лет «советской оккупации» начинается скандинавская колонизация («мягкая оккупация»)², трансформация из производственного региона в регион-потребитель. За четверть века уничтожено не только сельское хозяйство и промышленность, происходит катастрофическая демографическая депопуляция вымирающих народов, смертность превышает рождаемость. Население Прибалтики уменьшилось с 8 млн. человек (1989) до 6,1 млн. человек, то есть за четверть века регион потерял примерно два миллиона жителей. Литва потеряла миллион жителей (27%) — было 3,7 млн., стало 2,7 млн. человек. В Латвии проживало 2,7 млн., а осталось меньше 2 млн. человек (- 26%). В Эстонии население сократилось с 1,5 млн. до 1,3 млн. человек или на 13%. В настоящее время доля мигрантов из стран Балтии в Западную Европу возросла по разным оценкам до двух и более миллионов человек. Молодёжь вынуждена искать работу преимущественно в Великобритании и Ирландии, где проигрывает конкуренцию более коммуникабельным полякам (полячкам).

У прибалтийских стран самый высокий ВВП на душу населения (свыше \$30 тыс.), выше, чем в России. Однако этот макроэкономический показатель получен за счет сокращения численности населения, примерно на 1/3, произошел катастрофический отток трудовых мигрантов в Западную Европу, в ВВП доминируют переводы гастарбайтеров. За чертой бедности проживают 36,6% жителей Латвии, это третье место в Европе после Болгарии (49%) и Румынии (42%). Происходит старение населения при сокращении рождаемости.

Ежегодные дотации из брюссельских фондов составили до 20% ВВП. По данным Евростата в последние годы три прибалтийские республики получали по 3,5 млрд. евро дотаций в год. Для сравнения, годовой бюджет Латвии - всего 8 млрд. евро. Крупные дотации продолжались два десятилетия, чтобы продемонстрировать преимущества

¹ Владимир Дергачев. Постсоветская Балтия. Куда испарились балтийские тигры? — Интернет-портал «Институт геополитики». URL: <http://dergachev.org/Landscapes-of-life/Baltics/index.html>. (Visited 18.11.2025). Владимир Дергачев. «Прибалтийские тигры». Пешки и марионетки на геополитической шахматной доске. — Интернет-портал «Институт геополитики». URL: http://dergachev.org/geop_events/211015.html. (Visited 18.11.2025).

² Александр Носович История упадка. Почему у Прибалтики не получилось. — М: Алгоритм, 2015.

светлого будущего западного капитализма. Затем в этом не стало необходимости на фоне внутренних проблем Евросоюза и страны Балтии оказались у разбитого корыта русофобии.

Это особенно наглядно видно на примере Риги (592 тыс., 2025), которая на протяжении веков была главным городом Балтии, занимала первое место по численности населения, торговли и экономике. Сегодня лидирует Вильнюс (608 тыс. жителей), население Риги сократилось на 1/3, а в Таллин 460 тыс. жителей. Вильнюс стал самым успешным и богатым городом Балтии по торговле и промышленности. В 2024 году ВВП на душу населения в Вильнюсе на 36% выше Риги, на 9% выше Таллина и на 5% превышает средний показатель по ЕС.

Соединённые Штаты возродила идею создания антирусского «санитарного кордона» от Балтики до Каспия. В результате этнический национализм и ксенофобия с преследованием национальных меньшинств и прежде всего русских стали основой «независимых» государств литовцев, латышей и эстонцев.

Цивилизационные рубежи Южного Кавказа

После распада Советского Союза исламский Восток приблизился к границам России. Бывшие благодатные южные советские республики, христианские Грузия и Армения, мусульманский Азербайджан оказались на северной периферии ближневосточного пространства, где их сельскохозяйственная продукция оказалась невостребованной. Зачем, например Турции грузинские вина, азербайджанские помидоры и фрукты? Игнорирование изменившегося геостратегического положения привело к социальным потрясениям и упадку экономики. Сохранение геополитического равновесия на Кавказе осложняется незавершенностью формирования наций в Грузии и Азербайджане, где в отличие от Армении сохраняется племенные и клановые образования.

Сепаратистские настроения особенно проявились в конфликтах в Абхазии, Южной Осетии и Нагорном Карабахе. В результате этнических конфликтов 90-х годов власти Тбилиси и Баку утратили контроль в отдельных территориях, приняв сотни тысяч беженцев из районов боевых действий.

Современная кавказская геополитика характеризуется многополярностью, где ключевую роль играют Россия, Турция, Иран и Запад (США, ЕС), а также внутренними конфликтами и конкуренцией за сферы влияния, что проявляется в противостоянии между Россией и Турцией, а также в армяно-азербайджанском конфликте. Идет конкуренция за энергетические ресурсы и транспортные коридоры. Россия сохраняет доминирующее положение на Северном Кавказе и частично утрачивает в Закавказье, где усиливается роль Турции, особенно в поддержке Азербайджана. Иран также стремится к укреплению своих позиций в Закавказье. Грузия подписали соглашения об ассоциации ЕС, Азербайджан воздерживается, а Армения является членами Евразийской экономической союза (ЕАЭС).

Южный Кавказ остается регионом повышенного геополитического соперничества и нестабильности, это проявляется в политическом, экономическом и военном противостоянии, а также в поддержке тех или иных сторон в региональных конфликтах. Южный Кавказ является важным транзитным коридором для транспортировки нефти и газа из Каспийского региона в Европу, что приводит к конкуренции между Россией, Турцией, Ираном и Западом. На Южном Кавказе появились новые (хорошо забытые старые) геополитические игроки Великобритания, Франция, а так же НАТО. Пантюркистские амбиции Турции простираются и на Северный Кавказ, Поволжье, Крым и Центральную Азию.

Азербайджан в недавнем прошлом до конфликта с Россией называли «каспийским чудом». В этой кавказской энергетической сверхдержаве, кроме добычи нефти, развита нефтехимия. С помощью иностранных инвесторов, в том числе из Турции, удалось в короткий срок еще больше развить нефтепереработку. Азербайджан экспортирует нефти и газа на \$14 млрд., а еще на \$1,5 млрд. - нефтепереработка, медикаменты, металлопрокат и сборка автомобилей.

Богатый энергетическими ресурсами Азербайджан является притягательным для великих и других держав. Республика рассматривается Европейским Союзом как главный энергетический союзник на Кавказе. Внешняя политика Соединённых Штатов направлена на недопущение тесных экономических связей между Азербайджаном и Ираном, где имеется многочисленная азербайджанская диаспора. Главным стратегическим партнером Баку является тюркская Турция. При этом сохраняются дружеские деловые отношения с Грузией. Азербайджан, несмотря на охлаждение отношений с Россией, формирует международный транспортно-логистический хаб толерантности, принимает участие в создании международного транспортного коридора «Север – Юг» из России в Иран и Индию.

Азербайджан уступает Грузии и Армении по динамике роста ВВП и среднему размеру заработной платы. Также наблюдается сокращение положительного внешнеторгового баланса. Значительная часть капитала, заработанного на экспорте энергоресурсов, потрачена неэффективно, в том числе из-за коррупции. Во второй половине 2025 года с «эффектом домино» стали закрываться или переходить на режим неполной работы крупнейшие предприятия нефтехимической, пищевой, машиностроительной промышленности. Главной причиной послужило резкое повышение тарифов на электроэнергию, как следствие падения объемов добычи газа. При этом власть отказалась предоставлять льготы крупным энергоемким промышленным предприятиям. В результате один за другим приостановили работу производящий азотные удобрения крупнейший химический комбинат в Сумгаите, металлургический завод в Дашкесане и другие предприятия, десятки тысяч людей остались безработными.

Зависимость от экспорта сырьевых товаров и энергоносителей делает азербайджанскую экономику уязвимой к колебаниям цен на нефть. Также существуют проблемы с диверсификацией экономики, коррупцией и оттоком населения из-за безработицы. В Азербайджане назрел социально-экономический кризис, последствия которого грозят конвертироваться в политическую дестабилизацию.

На протяжении веков православная **Грузия** находилась в вассальной зависимости от великих держав, соперничавших на Ближнем Востоке. Особенно тяжелым было владычество иноверных мусульманских государств, сопровождавшееся геноцидом и массовыми депортациями. После неоднократных обращений с просьбами о покровительстве в состав Российской империи вошли в 1801 году Восточная Грузия, в первой половине 19 века — остальные грузинские княжества и Восточная Армения. В Грузии кроме наиболее распространенных картлийского, имеется три родственных языка — мингрельский, сванский и лазский. Мингрелы, столицей которых издревле был Зугдиди, жили под властью Византии и Турции.

Грузия при советском вожде Иосифе Сталине была образцово-показательной советской республикой, живущей преимущественно на дотации Москвы. Был создан миф об особой грузинской ментальности. У местных радикальных националистов наблюдается исключительная самовлюбленность, доведенная до полного презрения к представителям других народов. Что сопровождается чрезмерной эмоциональностью на грани истеричности. Девиз грузинских националистов «Грузия для грузин».

После очередного грузинского блицкрига Грузия утратила территории Абхазии и Южной Осетии. Население республики — 3,7 млн. человек (5,5 млн. в 1992), в том числе 86,8 % грузин. Из-за эмиграции катастрофически сокращается число этнических грузин и увеличивается доля мусульман. В России проживает по официальным данным 113 тыс. грузин (2021), реально в несколько раз больше. В Грузии осталось 26 тыс. русских, а сотни тысяч уехали в Россию, из 100 тыс. греков осталось 10 тыс. На азербайджанское и армянское меньшинства приходится примерно 10 % от общей численности населения Грузии (без Абхазии и Южной Осетии). В регионах их компактного проживания (Джавахети и Картли) отмечается напряженность межэтнических отношений. Меньшинства не владеют государственным языком, их участие в общественной жизни

страны ограничено, все важные местные должности занимают этнические грузины. Идет процесс миграции меньшинств в Армению и Азербайджан.

Ведущей отраслью экономики является пищевая промышленность, в сельском хозяйстве занято половина трудоспособного населения. Сельскохозяйственные земли переданы в частную собственность и активно скупаются китайцами, азербайджанцами и армянами. В советские времена Грузию посещало до 5 млн. туристов, а в 2006 году впервые за годы независимости — 976 тыс. В 2024 году Грузию посетили 7,36 млн. путешественников, из них 5,1 млн. туристов. Наибольшее число визитов было зафиксировано из России (более 1,4 миллиона), Турции и Армении. Современная грузинская власть отвергает зарубежное вмешательство в дела республики и взяла курс на сохранение национальной самобытности.

Традиционным союзником России на Кавказе являлась **Армения** — христианский форпост Кавказа, ныне президентская республика, население 3,0 млн. человек, ВВП \$11,9 млрд., ВВП на душу населения \$2,6 и по ППС \$5,4 тыс. Социально-экономическое положение Армении усугубляется последствиями карабахского конфликта и отсутствием прямого выхода к мировым коммуникациям. Республика находится в геоэкономической изоляции и только благодаря сотрудничеству с Ираном, обеспечивается большей частью энергетического сырья и товарами народного потребления.

Армения — моноэтническое государство, 98 % населения которого составляют армяне. Важным фактором, влияющим на динамику численности населения страны, является эмиграция, прежде всего в Россию, где проживает 945 тыс. армян. Общая численность армян в мире составляет 14—18 млн., в том числе армянской диаспоры — 12 — 16 млн., из них крупнейшие в России, США и Франции. В постсоветский период население Армении сократилось с 3,6 до 3,0 млн. человек. В 90-е годы треть населения покидало республику в поисках лучшей жизни или средств существования.

В 1922 году историческая область армян Карабах была передана Азербайджану в угоду Турции. Существуют исторические претензии к советским вождям (Ленину и Сталину), отдавшим Арарат туркам, а Карабах — Азербайджану. В 1948 году Москва предпринимает крупномасштабную репатриацию армян и одновременно переселяет 150 тыс. азербайджанцев из Армении в Азербайджан. В 1988/93 годы произошел армяно-азербайджанский конфликт, сопровождавшийся этническими чистками, массовыми депортациями и транспортно-экономической блокадой. В результате боевых действий в 1992/93 гг. вооруженные силы непризнанной Нагорно-Карабахской Республики при поддержке Армении установили контроль над частью азербайджанской территории, прилегающей к Карабаху. 19—20 сентября 2023 года Азербайджан провёл военную операцию против сил НКР и добился полного контроля над регионом.

Геополитика Армении определяется ее транзитным расположением в Закавказье, отсутствием выхода к морю, а также сложными отношениями с соседними странами: Турцией, Ираном, Грузией и Азербайджаном.

Многовекторность Средней Азии. Евразийство или Анти-Россия?

Средняя Азия (или постсоветская Центральная Азия) — геополитический регион, включающий Казахстан, Узбекистан, Таджикистан, Туркменистан и Киргизию. Полуфеодалная клановость и низкий уровень жизни большинства населения способствует консервации авторитарных режимов (Казахстан, Туркменистан, Узбекистан, Таджикистан) и фасадной демократии (Киргизстан). В среднеазиатских республиках произошла успешная трансформация коммунистических лидеров в ханы, султаны и баи. Для региона характерны нестабильность, национализм, межэтнические конфликты и проявления радикального исламизма. Наблюдается чрезмерная концентрация богатства у коррумпированных семейных кланов, и одновременно бедность, безработица и низкий школьный образовательный уровень значительной части населения. Природная среда во многих странах находится на грани экологической катастрофы, испытывается водный,

энергетический и продовольственный дефицит. Большое влияние на обстановку в регионе оказывает наркобизнес.

По прогнозам ООН население Средней Азии увеличится к 2025 году до 72 млн. человек, то есть возрастет в 2,4 раза по сравнению с 1970 годом. Регион и особенно Казахстан на протяжении полтора десятка лет демонстрировали темпы роста выше, чем у России, Турции или Евросоюза. Но со временем эффект низкой базы улетучился. При среднем росте ВВП почти на 8% в год с начала 2000-х в Таджикистане почти 30% населения остается за чертой бедности, для Киргизии при среднем росте 5% этот показатель составляет 26%.

Казахстан — унитарная президентско-парламентская республика с авторитарным режимом с элементами демократии. Население 16,7 млн.(2012), в том числе казахи составляют 62%. Русские — крупнейшая этническая община после казахов (23% от населения страны). По объёму ВВП (ППС) 232,4 млрд. Казахстан войдет в ближайшие годы в число 50 крупнейших экономик мира. ВВП на душу населения составляет \$13,9 тыс. Страна занимает 9-е место в мире по протяженности территории. Столица Астана (773 тыс.). Крупнейший город республики — бывшая столица Алма-Ата (1,4 млн.).

Казахстан — экономический лидер региона, обладает значительными запасами энергетических ресурсов и минерального сырья, имеет обширные и пригодные для освоения территории. Республика, граничащая с двумя континентальными гигантами — экономической сверхдержавой Китаем и ядерной сверхдержавой Россией должен стремиться к добрососедству, что не отрицает разумного партнёрства с Западом, прежде всего с США. Целостность Казахстана зависит и от отношений между тюркским и славянским населением, способностью местной элиты к консолидации общества. Незавершенность становления нации осложняется внутренними этнонациональными и этноконфессиональными рубежами, межклановыми отношениями трех племенных объединений — старшего, среднего и младшего жузов.

Узбекистан (37 млн. жителей) — президентская республика, демографический лидер, 45% населения региона. Столица Ташкент (2,3 млн. жителей) является крупнейшим городом.

За годы независимости узбекская власть неоднократно меняла внешнеполитические ориентиры. В результате не сложился устойчивый геополитический код. Экономика Узбекистана вторая в Средней Азии и четвёртая в постсоветском пространстве, в 2024 году вошла в число самых быстрорастущих экономик Европы и Центральной Азии. Согласно прогнозам, Узбекистан может стать лидером экономического роста в регионе с ожидаемым увеличением ВВП до 5,9% в год. Республика занимает 14-е место в мире по добыче природного газа, третье место в мире по экспорту и шестое место по производству хлопка, 12 -место в мире по запасам урана (4 % мировых запасов), по запасам золота Узбекистан стоит на четвертом месте в мире и на седьмом по уровню его добычи.

В древности и средневековье здесь находился один из крупнейших коммуникационных узлов на Великом Шелковом пути — Самарканд (Мараканда, Согдиана), столица империи Тамерлана и крупнейший центр науки Востока. В последующие века существовали Бухарское, Кокандское и Хивинское ханство.

В **Киргизии** (7,2 млн. жителей) случились уже две «цветные революции» и как следствие — массовый отток трудоспособного населения и сложные отношения с Россией, несмотря на членство в ЕАЭС. Казахстан сопротивляется миграционным потокам из Киргизии. У Таджикистана те же проблемы, перенаселенность и низкая занятость, трудовая миграция в Россию. Страны лавируют между Россией и внешними игроками, таджики и киргизы умудрились проиграть даже в конкурентной борьбе на рынке труда мигрантов в России узбекам, у которых оказалась выше квалификация.

Аграрно-индустриальный Таджикистан (10,6 млн. жителей) является одной из наиболее бедных стран в мире. Республика пережила разрушительную гражданскую войну. Радикальный исламский фундаментализм и региональные восстания остаются постоянной угрозой политическому единству Таджикистана. По данным Всемирного банка

Таджикистан является мировым лидером по роли трудовых мигрантов в экономике страны.

Киргизия и Таджикистан — экономические аутсайдеры региона, ВВП на душу населения немногим выше \$3 тыс. Эти республики и в советскую эпоху были экономически слабыми. В них наблюдаются все признаки социально-экономического кризиса, умноженного на проблемы транзита власти, только силовая вертикаль удерживает государство от политических волнений.

Авторитарный нейтральный Туркменистан стал самой закрытой страной на постсоветском пространстве с богатыми природными ресурсами. Здесь живет 7,5 млн. человек, а экономика обладает третьим по размерам подтвержденными запасами газа в мире. В 2018 году республика экспортировала нефти, газа и продуктов нефтепереработки на \$11 млрд. Экспорт углеводородов позволял Туркмении обеспечивать относительно высокий ВВП на душу населения и осуществлять крупные инфраструктурные проекты. Например, новый международный аэропорт с проектным пассажиропотоком 17 млн. в год. Но в связи с падением цен на энергоресурсы и неэффективным управлением уже несколько лет продолжается бюджетный и экономический кризис. Отменены, установленные Туркменбаши, нормы бесплатной воды и электроэнергии, субсидии на бензин, появились очереди за продуктами, реализуемыми по фиксированным государством ценам.

В последние годы пять стран Центральной Азии — Казахстан, Киргизия, Таджикистан, Туркменистан, Узбекистан — выстраивают отношения с внешним миром в формате «ЦА+1». Он действует в отношениях с Россией (состоялось два саммита в этом формате, последний прошел в октябре 2025 года в Душанбе), Германией, Индией, Китаем; были саммиты и с Евросоюзом и странами Персидского залива.

6 ноября 2025 года в Вашингтоне прошел саммит «Центральная Азия — США». Американский президент-бизнесмен Дональд Трамп встретился в Белом доме с лидерами государств региона и не стал заниматься пустословием о правах человека и демократии, и не жалел хвалебных слов¹. Среднеазиатские лидеры с восточным достоинством отблагодарили американского президента.

Соединённые Штаты стали крупнейшим инвестором в Казахстан, вкладывают более \$100 млрд. в местную экономику. Казахская делегация подписала более 30 соглашений с американскими компаниями на \$17 млрд., а Узбекистан — торгово-экономическое соглашение на \$135 млрд. и договорился о совместной разработке месторождений редкоземельных металлов.

По оценкам экспертов, для Соединённых Штатов сотрудничество со странами Центральной Азии имеет преимущественно ресурсный характер, но ускорение контрактов может изменить баланс влияния России и Китая в регионе. Для среднеазиатских стран США — это «важный балансир» много векторной политики, где доминируют Россия и Китай.

В бывших советских среднеазиатских республиках, особенно в Казахстане получила развитие геополитическая концепция евразийства, противостоящая атлантизму и гегемонизму. Она провозглашает Евразию (Великую евразийскую степь) самостоятельным геополитическим пространством с уникальной цивилизацией, отстаивает принципы многополярного мира и самостоятельного пути развития для России и других евразийских стран.

Экс-президент Казахстана Нурсултан Назарбаев еще в 1994 году в выступлении перед студентами МГУ высказал идею о евразийской интеграции. 15 марта 2024 года президент

¹ Какие сделки лидеры Центральной Азии заключили с Трампом в Белом доме. В Вашингтоне прошел саммит «Центральная Азия — США» <https://www.rbc.ru/politics/07/11/2025/690e15669a79472af8f882dd> (Visited 18.11.2025).

Казахстана Касым Токаев заявил на заседании Национального курултая (консультативно-совещательного органа при главе государства), что страна является наследником Золотой Орды (Улуса Джучи), прямым преемником кочевой цивилизации Великой степи. Признанной вершиной государственного строительства на огромных просторах Центральной Евразии всегда выступал Улус Джучи, всемирно известный как Золотая Орда. *«Важно, чтобы восприятие Золотой Орды в мире было неразрывно связано именно с Казахстаном»*. По инициативе президента создан Институт изучения Улуса Джучи и в стране также ведётся работа по написанию новой академической истории Казахстана в семи томах при участии иностранных (западных?) ученых.

Для России «Москва – Третий Рим», в Казахстане истоки государственности нашли в «Золотой Орде». Мифотворчество безобидно, пока «истинные» патриоты в погоне евроинтеграции или братания с США не утратили государственность и самобытность народа. Местные националисты, вооружившись лозунгом «Казахстан – это не Россия», очерняют или замалчивается роль Советского Союза в создании казахской государственности. Ситуация может стать намного трагичней и взрывоопаснее чем с Украиной. Границы большинства союзных республик сформировались в советском геополитическом пространстве, и было бы наивно полагать, что Европа или Америка только и мечтает, как их сохранить.

Сюрпризы демографии и трудовая миграция

Большое влияние на глобальную и региональную геополитическую трансформацию оказывает формирование новой демографической карты мира. Обобщая демографические прогнозы, в многополярном мире к 2100 году будут доминировать великие державы Индия, Нигерия, Китай и США. По демографической мощи лидером уже стала Индия, Нигерия взойдет на второе, а КНР опустится на третье место, население сократится в полтора-два раза. Наибольшее сокращение населения наряду с Сальвадором, произойдет в самостийной Украине (в 3-4 раза)¹. Уменьшается демографическая мощь России и особенно Украины, Молдовы, стран Балтии, Грузии и Армении, где велика доля пожилых и резко сократилось трудоспособное население, не внушает оптимизма о светлом будущем.

Новые независимые государства стали крупными поставщиками трудовых мигрантов. Исключением являются Белоруссия, где переводы трудовых мигрантов составляют до 3 % ВВП, и Туркменистан, где власть препятствует миграции. Переводы гастарбайтеров вносят существенный вклад в национальный ВВП Украины, Молдовы, Киргизии, Таджикистана и других стран. В 2019 году официально трудовые мигранты перевели в Украину около \$12 млрд., но реальная цифра может достигать \$30 млрд. До пандемии переводы трудовых мигрантов составляли в ВВП Таджикистана 45%, Молдовы — 38%, Киргизии – 33% и Украины — 14%. Общим для беднеющих постсоветских государств является и доминирование переводов гастарбайтеров в формирование национального ВВП.

Особо остро в процессах трансформации постсоветского пространства выделяется проблема высокого демографического роста населения Средней Азии, значительная трудовая миграция, ресурсная экономика, незначительные инвестиции в собственные производства и рабочие места, раздутый госсектор и коррупция. Резкая дифференциация по имущественному достатку ведет к взрывоопасной ситуации. Возник массовый запрос на справедливость, честное перераспределение национальных богатств.

Прощание с постсоветским пространством

Мир вошел в эпоху глобальной геополитической нестабильности, в постсоветском пространстве на месте успешных советских республик формируется новая мировая периферия.

Постсоветское пространство уходит в историю, начался его окончательный распад и много векторный дрейф, который завершится образованием дуги нестабильности вместо

¹ Владимир Дергачев Новая демографическая карта мира в двадцать первом столетии. URL: <https://dergachev-va.livejournal.com/300841.html>. (Visited 18.11.2025).

очередного светлого будущего. При этой трансформации нужно быть готовым к новым конфликтам и утратам территорий.

Как отмечают в социальных сетях, бывшие советские республики «ужасного СССР», уверенной поступью «катятся дальше в невиданное «процветание». Безмерное хотение стать частью «богатого пуза» Запада привело Украину к Третьей Руине. Прибалтика, из бывшего европейского фасада СССР быстро превратилась в вымирающую провинцию Европы. Молодёжь уехала на заработки, «шпроты уплыли», а «балтийские тигры» трансформировались в карликовых русофобов. Республика-сад Молдова уверенно выращивает вместо яблок трудовых мигрантов. В среднеазиатских республиках бывшие коммунистические лидеры превратились в ханов, а советские труженики полей – в нищих дехкан. Как показало время, русофобия и конфликты с Россией обходятся очень дорого.

Ситуацию в ближайшее время будут определять усиливающиеся кризисные факторы. Во-первых, запас прочности у новых независимых государств невелик, падение уровня жизни ощущается повсеместно — сказывается слабая диверсифицированность региональных экономик, зависимость от сырья, туристов, иностранных инвестиций и доходов мигрантов.

Во вторых, падает незначительный кредит доверия к власти и правящим элитам. Власти обещали светлое и сытое капиталистическое будущее, но экономический рост обогатил лишь национальную элиту за счет усиления неравенства, несправедливости и коррупции. Ощущается запрос на справедливость, а технология ненасильственных протестов пока не работает.

В третьих, продолжается влияние на кризис постсоветского пространства внешних сил и снижающийся запас прочности российской внешней политики. Попытки Запада по созданию «управляемого» хаоса на постсоветском пространстве не прекращаются. Запад не скрывает подрывной деятельности и желания подвинуть военный блок НАТО к границам России.

В четвертых, Россия и большинство постсоветских государств входят в процесс смены поколений и транзита власти с неизбежными новыми региональными конфликтами. Возможно, будет выявлена подлинная, а не конспирологическая причина распада СССР, которая станет неожиданным сюрпризом для многих. Банально коммунистическая номенклатура бросилась растаскивать советское наследие по своим хуторам и сундукам. Некоторые коммунистические деятели стали *хероями* капиталистического труда, появились Туркменбаши Великие, православные ударники-миллионеры и не одного Че Гевары. Пока постсоветская коррумпированная элита думала только о сохранении власти и награбленного богатства, мир не стоял на месте.

В пятых, имитация «Болонского процесса» в постсоветских государствах завершилась усилением коррупции в высшей школе, так как появилась возможность вместо одного диплома продавать два — бакалавра и магистра. В результате в информационную эпоху они входят с низким качеством образования.

Для России характерны противоречивые процессы, характеризующиеся точечными успехами в модернизации и дальнейшей деградации в большинстве сферах общественно-экономической жизни. Бывшие страны-участницы «Восточного партнерства» превращаются в «буферную зону» на границе с Россией, не приближаясь к европейскому качеству жизни. На фоне «успехов» с каждым годом становится все труднее «мочить» ненавистное советское прошлое. Так как новая власть оказалась неспособной обеспечить качество жизни для всего народа, увеличилось расслоение общества на богатых и бедных. Время умиротворительных прогнозов проходит.

Россия остается экономически слабым ядром интеграции, непривлекательной моделью олигархического государства. Россия и Казахстан богаты природными ресурсами, а Белоруссия – бедна и получает преференции за счет интеграции, и цен на энергоресурсы.

Выводы

Согласно ленинской доктрине мировой революции, все новые независимые государства созданы в советском геополитическом пространстве. Было бы наивно рассчитывать, что «просвещённый» Запад, взращенный на наживе и высокой норме прибыли имперского колониализма, сохранит советские границы. Западному капитализму нужны природные стратегические ресурсы, новые рынки сбыта и белые рабы. Западная Европа, убежденная в восприятии колониализма как эпохи приключений и мира, вспылала любовью к Украине, «последнему оплоту демократии в борьбе с варварами», за что приходится расплачиваться человеческими жизнями и Третьей Руиной.

Для поступательного развития нужна другая не моноэтническая элита, исповедующая интернационалистические принципы, способствующие созданию межгосударственных союзов, обеспечивающих успешно развитие и национальную безопасность.

В связи с глобальной геополитической трансформацией в наиболее сложном положении оказались рубежные государства — державы, расположенные на цивилизационных (суперэтнических), геополитических, геоэкономических, конфессиональных и других рубежах между двумя и более мировыми и региональными центрами силы. Из бывших союзных республик к рубежным государствам относятся Украина, Молдова и Грузия.

Всемирный Банк отметил в ежегоднике 25-летие распада СССР статистикой о динамике ВВП (ППС) стран мира с 1990 по 2015 годы. По его данным постсоветские страны стали мировыми аутсайдерами, а Украина — единственной страной в мире, не достигшей за годы независимости уровень 1990 года. Три страны по несчастью объединяет аморальная по своим последствиям вера в западные ценности, или как сказал известный европейский философ Карен Свасьян, желание стать частью «богатого пуза» Запада. По выражению патриарха американской экономической мысли Джона Гэлбрайта желание сиюминутной замены одной общественно-политической системы другой является «приступом глупого оптимизма». В результате три рубежных государства потеряли часть территорий и отброшены на мировую периферию. Только в последние годы Грузия проснулась от евро интеграционного порыва и решила сохранить свою самобытность.

В информационную эпоху постправды крик из московского Кремля «нас обманули» звучит как приговор власти и российским спецслужбам. Искусственный интеллект становится мощным оружием, использующим ложь, и успешно оккупирует российское информационное пространство. Неготовности России к войне нового поколения может привести к гибели от «мягкой силы» информационного оружия.

Провалившийся российский блицкриг (СВО) трансформировался в затяжную Отечественную войну Украины против России. На фронте все больше воюют украинские граждане, рождённые в самостийном государстве, и у них нет другой Родины. Постсоветские государства не могут бесконечно ждать окончания войны, и происходит их трансформация во внешней политике.

Многие аналитики считают, что невозможны прогнозы в условиях геополитической турбулентности. Но большой 500-летний геополитический цикл глобальной геополитической трансформации происходит не впервые. Следует только обратиться к предыдущему циклу смещения мировых геополитических полюсов с Востока на Запад, истории великих цивилизаций Востока, чтобы не повторять трагических ошибок прошлого. Известно выражение «история ничему не учит», но она предупреждает тех, кто к ней прислушивается.

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**ȘTIINȚE POLITICE
POLITICAL SCIENCE
ПОЛИТИЧЕСКИЕ НАУКИ**

**PAN-TURKISH-ISM: THE NATION-CENTRED IDEOLOGY
AND THE GEOPOLITICAL STRATEGY OF THE ‘TURKISH WORLD’**

**PAN-TURC-ISM: IDEOLOGIA CENTRATĂ PE NAȚIUNE ȘI STRATEGIA
GEOPOLITICĂ A LUMII TURCEȘTI**

**ПАНТУРЦИЗМ: НАЦИОНАЛ-ОРИЕНТИРОВАННАЯ ИДЕОЛОГИЯ И
ГЕОПОЛИТИЧЕСКАЯ СТРАТЕГИЯ “ТУРЕЦКОГО МИРА”**

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ABSTRACT:

**PAN-TURKISH-ISM: THE NATION-CENTRED IDEOLOGY
AND THE GEOPOLITICAL STRATEGY OF THE ‘TURKISH WORLD’**

This article analyses the geopolitical strategy of the ‘Turkish world’. The author introduces the terms ‘Pan-Turkish-ism’ and ‘global Turkey’, a nation-centric doctrine that differs from the commonly accepted concepts of ‘Pan-Turkism’ and ‘Turkic world’, a multinational concept representing all Turkic peoples. The article examines the following aspects of ‘Pan-Turkish-ism’: the Neo-Ottomanism of the ‘Turkish World’, ‘the Turkish world’ versus ‘the Turkic world’ in the post-Soviet arena; the Gülen [Hizmet] Network: the globalist instrument of the ‘Pan-Turkish-ism’.

On the basis of unpublished archival documents from the Ministry of Foreign Affairs of the Republic of Bulgaria, the author examines the Bulgarian diplomatic analysis of Russian-Turkish relations in the Balkans. Special attention is focused on History as the main ‘ideological’ tool of ‘Pan-Turkish-ism’ in Bulgaria and the Balkans. The idealization of the West is another characteristic feature of ‘Pan-Turkish-ism’, which, according to the author, can be defined as Turkish-Islamic-Western synthesis.

Keywords: Pan-Turkish-ism, Turkish world, Pan-Turkism, Turkic world, global Turkey, Turan, Pax Ottomana, Neo-Ottomanism, Strategic depth, Nazism, Kemalism, Russkiy Mir, Slavic World, Eastern War, Gülen [Hizmet] Network, Ecumenism, Vatican, Turkish-Islamic-Western synthesis

JEL Classification: N95; F22; F54

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REZUMAT:

PAN-TURC-ISM: IDEOLOGIA CENTRATĂ PE NAȚIUNE ȘI STRATEGIA GEOPOLITICĂ A LUMII TURCEȘTI

Acest articol analizează strategia geopolitică a lumii turcești. Autorul introduce termenii 'Pan-turc-ism' și 'Turcia globală', o doctrină centrată pe națiune care diferă de conceptele acceptate în mod obișnuit de 'Pan-turcism' și 'lumea Turcă', un concept multinațional care reprezintă toate popoarele turce. Articolul examinează următoarele aspecte ale 'Pan-turc-ism': Neo-Otomanismul 'lumii turcești', 'lumea turcă' versus 'lumea turcă' în arena post-sovietică; rețeaua Gantorlen [Hizmet]: instrumentul globalist al 'pan-turc-ism'.

Pe baza documentelor de arhivă nepublicate de la Ministerul Afacerilor Externe al Republicii Bulgaria, autorul examinează analiza diplomatică bulgară a relațiilor ruso-turce din Balcani. O atenție deosebită este acordată istoriei ca principal instrument ideologic al pan-turcismului în Bulgaria și Balcani. Idealizarea Occidentului este o altă trăsătură caracteristică a 'Pan-turc-ism', care, potrivit autorului, poate fi definită ca sinteză turco-islamică-Occidentală.

Cuvinte cheie: Pan-turc-ism, lumea turcă, Pan-turcism, lumea turcă, Turcia globală, Turan, Pax Ottomana, Neo-Otomanism, adâncime strategică, Nazism, Kemalism, Russkiy Mir, lumea slavă, Războiul Estic, rețeaua G. hizmet, Ecumenism, Vatican, sinteza turco-islamică-Occidentală

JEL Classification: N95; F22; F54

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РЕЗЮМЕ:

ПАНТУРЦИЗМ: НАЦИОНАЛ-ОРИЕНТИРОВАННАЯ ИДЕОЛОГИЯ И ГЕОПОЛИТИЧЕСКАЯ СТРАТЕГИЯ "ТУРЕЦКОГО МИРА"

В данной статье анализируется геополитическая стратегия "турецкого мира". Автор вводит термины "пантурцизм" и "глобальная Турция", национал-ориентированную доктрину, которая отличается от общепринятых концепций "пантюркизма" и "тюркского мира", многонациональной концепции, представляющей все тюркские народы. В статье рассматриваются следующие аспекты "пантурцизма": неоосманизм "Турецкого мира", "Турецкий мир" против "Тюркского мира" на постсоветском пространстве; сеть Гюлена ["Хизмет"]: глобалистский инструмент "пантурцизма".

На основе неопубликованных архивных документов Министерства иностранных дел Республики Болгария автор рассматривает болгарский дипломатический анализ российско-турецких отношений на Балканах. Особое внимание уделяется истории как главному 'идеологическому' инструменту 'пантурцизма' в Болгарии и на Балканах. Идеализация Запада - еще одна характерная черта "пантурцизма", который, по мнению автора, можно определить как турецко-исламско-западный синтез.

Ключевые слова: Пантурцизм, Турецкий мир, глобальная Турция, Turan, Pax Ottomana, Неоосманизм, Стратегическая глубина, нацизм, Кемализм, Русский мир, Славянский мир, Восточная война, Сеть Гюлена [Хизмет], экуменизм, Ватикан, Турецко-исламский мир, Тюркский мир -Западный синтез

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Introducción

Why 'Turkish' and not 'Turkic' world? Because the Turkish concept of 'Pan-Turkism' (in the language of the Kemalist opponents) or 'Turkism' (in the language of the Pan-Turkists) is essentially 'Pan-Turkish-ism', i.e. a Pan-Turkish doctrine and nation-centred ideology and geopolitical strategy with Turkey at its centre. The concept of 'Pan-Turkish-ism' (the Turkish world) is hidden in the term 'Pan-Turkism' (the Turkic world), like a suitcase with a double bottom. 'Pan-Turkish-ism' is the concept of 'global Turkey' as 'global Britain'.

The 'linguistic peculiarity'¹ of the Turkish language, in which there is no difference between 'Turkish' and 'Turkic', is not insurmountable, but it reflects the Turkish understanding of the 'Turkish world'. The president of the Turkish Foreign Policy Institute, Prof. Tahsan, states that the difference between the terms 'Turkish' and 'Turkic' is 'artificial' and 'imposed by Western scholars'².

When Turkish authors write about 'Pan-Turkism' in English, they use the term 'Turkish world'³ rather than 'Turkic world'.

'Pan-Turkic' is a supranational category and remains in Turkey's English political vocabulary only in relation to the 2009 Organisation of Turkic States, which is united by the vision of a 'Turkic' rather than a 'Turkish' world.

The Turkic states of the post-Soviet era do not identify themselves as 'Turkish' and insist on their own national identity, which they define as part of the supranational Turkic civilization. Another specific feature of the Turkic states of Central Asia and South Caucasus is the lack of a lasting phobia about Russia and, consequently, towards the doctrine of the 'Russian world' ('Русский мир').

'Russkiy Mir' is a kind of 'pan-Russianism', much more limited than the pan-Slavism of the 'Slavic World' from the time of the empire. It is no coincidence that the term is 'Russian' ('русский') and not 'Russiyan' ('руссийский') world, because it was originally intended to appeal to for Russians outside the Russian Federation, primarily in the post-Soviet arena, and, ultimately, for all Russian speakers around the world.

There is no antagonism from the 'Russian' world to the 'Turkic' world because the Russian nation has always been state-forming and never dominant. The Turks and Muslims in the Russian Empire were not in the disenfranchised status equivalent to 'giaours' [the archaic Ottoman Muslim word for 'infidel'], but were integrated into Russian culture, which is European.

However, there is cultural, ideological and geopolitical antagonism from the 'Turkic' world to the 'Russian' world, which is more pronounced on the Turkish side and directed towards the post-Soviet environment. Hence the choice of the topic - the ideological characteristics of the 'Turkish world' versus 'Russkiy Mir'.

Unlike the 'Turkic world', the 'Turkish world' is analogous to the 'Pax Ottomana', and contemporary 'Pan-Turkish-ism' can be seen as synonymous with 'Neo-Ottomanism' from the point of view of Turkey's foreign policy ambitions.

From a domestic political point of view, 'Pan-Turkish-ism' (Pan-Turkish doctrine) can be seen as close to the secular 'Kemalism', but it can also be synonymous with Turgut Özal's 'Turkish-Islamic synthesis' [approach to national identity].

A characteristic feature of 'Pan-Turkish-ism' is ideological mimicry reflecting the historical period and political regime, but with the foreign policy goals remaining unchanged.

A classic example of the absolute overlap in the geopolitical and cultural-ideological ambitions of the Kemalists and Neo-Ottomans is Atatürk's strategic speech on 29th October 1933, the tenth anniversary of his declaring the country a republic:

"Today, the Soviet Union is our friend, our neighbour and ally. We need this friendship. But nobody can foresee what will happen tomorrow. The Soviet Union may dissolve just like the Ottoman or the Austro-Hungarian Empires did... Then, Turkey should know how to act... We have our brothers under their rule with the same language and faith. We must be ready to embrace them... We cannot expect them to get closer to us. We should take the first step"⁴.

¹ Демешко, Н.Э., Г.Л. Мурадов, А.А. Ирхин, О.А. Москаленко. Русский и Тюркский миры на пространстве Евразии. – Вестник МГИМО-Университет. 2023. 16(6), с. 162.

² Киреев, Н. Исламо-турецкий синтез в государственной идеологии Турции. – Россия и мусульманский мир, 2016, N 12 (294), с. 77–78.

³ Taşkin, Y. Upsurge of the Extreme Right in Turkey: The Intra-Right Struggle to Redefine 'True' Nationalism and Islam. – Middle Eastern Studies, Jan., 2008, Vol. 44, No. 1 (Jan., 2008), p. 152.

⁴ Ibid, p. 141.

Kemal Atatürk's strategy is a model of foreign policy continuity with that of the Ottoman Empire, regardless of the ideological contradictions. Atatürk thinks within the framework of the eternal 'Eastern War' between Turkey and Russia.

The 'Eastern War' is a Russian geopolitical concept that emerged after the Crimean War. It was known by contemporaries as the 'Eastern War', just as the subsequent Russo-Turkish War of Liberation (1877-1878) was known in 19th-century Russian society as the 'Second Eastern War'.

Just as Russia has a painful attitude towards most of the post-Soviet sphere, Turkey is hypersensitive to the post-Ottoman territories, just as Iran is probably hypersensitive to those of the former Persia. Imperial memory is deep and patient, and always manifests itself when an enemy is weakened.

Contemporary 'Pan-Turkish-ism', or 'Turkish World', awakened on the eve of the collapse of the USSR and became active after 1991 in the post-Soviet and then post-Yugoslav, arena.

The ideological and geopolitical interests of 'Pan-Turkish-ism' in the 20th century were directed towards post-Soviet, post-Yugoslav geography and the Balkans.

The main subdivisions of the 'Turkish world' are: *the post-Soviet*, including Central Asia and the South Caucasus; *the Russian*, directed towards Crimea, Tatarstan, and Bashkortostan; *the Bulgarian*, comprising the Bulgarian diplomatic analysis of Russian-Turkish relations in the 'Eastern Balkans'; *the post-Yugoslav*, directed mainly towards the Western Balkans and covering the former Yugoslav countries that remain outside the EU, excluding Serbia; the *globalist*, including the Gülen (Hizmet – Islamic fraternalist) network; and the *regional division*, covering economic and ideological integration in the regional project of the Organisation of Turkic States.

The Neo-Ottomanism of the 'Turkish World'

'Neo-Ottomanism' is an unacceptable term for its ideologue, Ahmet Davutoğlu, who nevertheless admitted in 2009, "Yes, we are the new Ottomans" and summarised the new Ottoman goal: "Ottoman history is a successful history. Now we must restore it"¹. Some Russian authors believe that Davutoğlu is right not to use the term 'neo-Ottomanism' because of the "different meanings of different peoples," seeing in foreign policy "not aggression, but activity and pragmatism"².

Elnur Mehdiyev pays special attention to Turkey's aspiration to move from the periphery to become the "centre of Eurasia" with "neo-Ottomanism" as a "strategic course for returning to the 'Ottoman past' based on four principles: blood, Ottoman thinking, soil and language"³.

Vladimir Avatkov emphasises the "supranational spirit" of 'neo-Ottomanism' as "Turkey's unofficial foreign policy doctrine" with a "network" of neo-Pan-Turkic, Pan-Islamism and Turkish Eurasianism⁴. Vladimir Mityukhin draws attention to the domestic political aspect of 'post-secular Turkey,' balanced between the secular and religious⁵.

Ilgar Mammadov notes that "the geo-historical-cultural belt with a predominantly Muslim population, which is important for Turkey and divides the Balkans into three parts, may be in line with Russian interests." Close to Russia, according to Mammadov, are Bulgaria, Romania and Serbia in the north, Bosnia and Herzegovina, Albania and Macedonia in the middle and within the Turkish sphere, and Greece in the south, where "Russia and Turkey can act independently or in partnership"⁶.

¹ Петров, Л. Неоосманизмът. Новата геополитическа доктрина на република Турция. София, 2015, с. 26–27.

² Кудряшова, И. В., В. В. Матюхин. Турция: национальные интересы и имперскость. – Политическая наука. 2013. No 3, с. 135.

³ Мехдиев, Э.Т. «Неоосманизм» в региональной политике Турции – Вестник МГИМО-Университет, No 2 (47) 2016, с. 32.

⁴ Аватков, В. Неоосманизм. Базовая идеология и геостратегия Турции. – Свободная мысль, 2014, No 3, с. 74–77.

⁵ Матюхин, В.В. «Постсекулярная» Турция. – Политическая наука, 2013, N 2, с. 128, 139.

⁶ Мамедов, И.М. Доктрина «стратегической глубины» А. Давутоглу и Балканы. – Славянский альманах. 2021. No 3–4, с. 145.

Most Russian researchers of 'Pan-Turkic' and 'competition between the Russian and Turkic worlds'¹ focus primarily on Russia (Tatarstan, Bashkortostan, Altai, Karachay-Cherkessia, Kabardino-Balkaria, Crimea), the post-Soviet arena and Middle East, and very little on the Balkans. Viktor Nadein-Raevsky sees Davutoğlu's 'neo-Ottomanism' even outside the post-Soviet region as "the creation of a kind of Ottoman Empire as a Turkish-controlled union of Middle Eastern countries"².

The Rand Corporation similarly pays no attention to the Balkans as a field of Russian-Turkish strategic conflict, unlike the Caucasus and Central Asia³.

The Balkan view of 'neo-Ottomanism' is more critical than the Russian for understandable reasons. For Davutoğlu, "the Balkans are of particular importance in connection with the erasure of the Ottoman Empire from the map of Europe... After the Balkan War, the Ottoman Empire, with the exception of Eastern Thrace, was wiped off the European map, and after the First World War, its eradication was finally completed in the international arena"⁴.

It is curious that Davutoğlu avoids the term 'empire' when talking about the 'Ottoman Empire' – is it realism about the difficult-to-achieve goals of 'neo-Ottomanism' or a nod to the Kemalist republicans?

Darko Tanaskovic compares 'Kemalism' and 'neo-Ottomanism' to "hybrid ideological and value complexes" with the main specificity of "un-surmounted imperial ideology"⁵. 'Ottomanism' is also an ambiguous and "vague concept," according to Balkanist Alexander Vezekov, "the word 'Ottomanism' is used to refer to different types of identity"⁶.

Stanislav Stanilov makes no distinction between 'Ottomanism' and 'neo-Ottomanism', which he sees as being based on "the long-term application of the Nazi philosophy of dividing human society into *menschen* (superior humans) and *untermenschen* (subhuman beings)... the 'non-humans' are the infidels/giaours"⁷.

Vladimir Avatkov does not use the term 'Nazism', but shares his observation that "Turkey, in the person of its president and other representatives of the ruling elite, sincerely believes in its own exceptionalism, to which other countries and peoples must aspire"⁸.

That feeling of exclusivity is also characteristic of representatives of Turkish nationalism from the Kemalist period. Orlin Zagorov defines A. Türkeş's doctrine of 'the nine rays' "Turks are the highest tribe" as "neo-fascism". In 1981, the Turkish authorities used the term 'fascist regime based on chauvinism and racism under the guise of nationalism' in the military government's indictment against the Nationalist Movement Party⁹. Orlin Zagorov analyses the doctrine of 'external Turks' as a "neo-fascist creation" for a "great Turkic race"¹⁰.

¹ Демешко, Н.Э., Г.Л. Мурадов, А.А. Ирхин, О.А. Москаленко. Русский и Тюркский миры на пространстве Евразии..., с. 175.

² Надеин-Раевский, В.А. Идеиня борба и «Новая Турция». – Вестник МГИМО-Университет, No 2 (47) 2016, с. 29.

³ Angel Rabasa F. Stephen Larrabee. The rise of political Islam in Turkey. RAND Corporation, 2008, p. 85.

⁴ Давутоглу, А. Стратегическа дълбочина. Мястото на Турция в международните отношения. София, 2015, с. 151.

⁵ Танаскович, Д. Неосманизмът. Турция се завръща на Балканите. София, 2010, с. 20.

⁶ Везенков, А. Османизмът като политика на идентичността през епохата на Танзимата. – Либерален преглед, 07 май 2013 <https://librev.com/index.php/prospects/bulgaria/2048-osmanizam-tanzimat> [Accessed 17 July 2025]

⁷ Станилов, С. Новият османизъм и българите. Три години по-късно. София, 2018, с. 10.

⁸ Аватков, В. А., Сбитнева, А. И. Новый национализм Турецкой Республики. – Вестник Российского университета дружбы народов. Серия: Политология. 2022. Т. 24. No 2, с. 294

⁹ Загоров, О. Критика на пантюркизма. София, 1988, с. 71, 65–66.

¹⁰ Ibid., p. 67.

Ibrahim Yalamov examines the ideological trend 'from Pan-Turkism to neo-fascism' in the doctrine of the 'nine rays,' whose ideologue, Türkiye, "insistently emphasises Turanism," claiming that "there are no ethnic groups in Turkey. There is a single Muslim Turkish nation"¹.

The attitude towards the Kurds is indicative of both 'Pan-Turkish-ism' and 'Kemalism' – they officially do not exist, except as 'mountain Turks'² under Atatürk, or as 'eastern Turks' after 1985³. The nationalist policy of the military Kemalists is even more extreme than that of Franco's military dictatorship, which attempted to create an 'ultra-Spanish and unitary state' from a culturally heterogeneous society⁴. In both Kemalism and Francoism, basic laws "make no mention of the existence of other nationalities"⁵. The result is that in Turkey, 'Kurd' is synonymous with 'terrorism', just as in Spain, 'Basques' are identified with terror⁶.

Without calling it 'Nazism', contemporary researcher Plamen Ivanov discovers a Turkish sense of exceptionalism in the Young Ottoman Ali Suavi, "who became an inspiration for the Young Turks," in whose understanding: "The Turks are superior to other races from a political, military and cultural point of view; the Turkish language is superior to European languages in its richness and achievements; the Turks created Islamic civilisation"⁷.

Bulgarian diplomat and philosopher, Ambassador Lyuben Petrov, sees in 'neo-Ottomanism' 'a radical transformation of the Turkish state's foreign policy views and internal political system.'⁸.

Georgi Markov considers the neo-Ottoman process to be "irreversible" for Turkey, which "cannot be returned to its previous European modernisation"⁹.

Emilia-Boryana Slavkova, a Turkologist and specialist in contemporary Turkey, defines 'neo-Ottomanism' as "an Islamist ideology embedded in globalism, built on the Turkish mentality, way of thinking and worldview, which derives the legitimacy of its hyperactive expansionist actions from 'Turkey's inherent Ottoman heritage'...a pragmatic contemporary project with organic ideological and emotional roots in the mentality of imperial Ottoman nostalgia, which is deeply and strongly expressed among the average Turk ... with the prospect of a global Turkish caliphate"¹⁰.

'The Turkish world' versus 'The Turkic world' in the post-Soviet arena

In the post-Soviet Turkic space, Kazakhstan (Central Asia) is the furthest from the Turkish orbit in terms of mentality, while Azerbaijan (South Caucasus) is the closest to Turkey. However,

¹ 'According to Ziya Gökalp, "Turanism" is "the distant goal of Turkism," while the immediate goal is "the Turkmen union" (Azerbaijan, Iraq, Iran, Persia, and Turkey)': Яламов, И. От пантюркизм към неофашизм. София, 1984 г. За служебно ползване, с. 117–118, 125.

² Иванов, П. България в Истанбул Ислям и национализъм в Турция. Сблъсъкът ислямизъм-секуларизъм и последствията за идентичностите в страната. Дисертация за присъждане на образователната и научна степен "доктор по история". София, 2022, с. 113.

³ Пеева, К. Турският национализъм през XX век. – В: *Маски долу! Национализмът на Балканите през XX век*. София: Парадигма, 2018, с. 192.

⁴ Алексиева, Г. Регионалният въпрос в началото на прехода към демокрация в Испания. – *Минало*, бр. 4, 2006, с. 55

⁵ Алексиева, Г. Две гледни точки за спасението на Испания. – В: *Кюстендилски четения 2003-2004*. Фабер, 2004, с. 67. Вж. Алексиева, Г. Концепцията за „интегралната държава“ по време на създаването на Втората Испанска република (1931 г.). – В: *Интеграционни и дезинтеграционни процеси в Европа. Исторически проекции*, 2023, с. 259–268.

⁶ Алексиева, Г. Баският национализъм между мира и конфликтите. – В: *Годишник на Софийски университет, ИФ. Докторантски четения - март 2006*. София, 2011, с. 174. Вж. подробно: Алексиева, Г. "Забравената" каталунска автономия (1979-2006). – В: *Кюстендилски четения 24(2018)*. Памет и забора в историята, 2019, с. 265–273; Алексиева, Г. Каталунският сепаратизъм: минало и настояще (2003- 1 октомври 2017 г.), С поглед към България и света. Сборник в памет на проф. д-р Костадин Грозев. София, 2019, с. 190–204.

⁷ Иванов, П. България в Истанбул Ислям и национализъм в Турция..., с. 101.

⁸ Петров, Л. Неоосманизмът..., с. 15.

⁹ Марков, Г. Необходима и полезна книга за българската външна политика. Предговор. – В: Любен Петров. Неоосманизмът. Новата геополитическа доктрина на република Турция. София, 2015, с. 11.

¹⁰ Славкова, Е. „Една от най-сложните страни на земята“ – *Авитохол*, с. 96.

both Kazakhstan and Azerbaijan accept 'Pan-Turkic' doctrine but reject 'Pan-Turkish' ideology of 'Pan-Turkish-ism'.

From a cultural and ideological point of view, Kazakhstan's understanding of the 'Turkic world' is particularly interesting. Unlike nation-centric Turkey, Kazakhstan "follows the path of a pluralistic model of state identity"¹, combining 'Kazakhstani' citizenship with 'Kazakh' ethnicity. When it comes to supranational identities, Kazakhstan does not limit itself to 'Turkic' identity, but also chooses 'Central Asian' as its geopolitical identity, 'Eurasian' as its civilizational identity, and 'Caspian' as its macro-regional identity² This is the kind of ideological diversification that guarantees sovereignty.

A Kazakh specificity, embodied by the Kazakh Pan-Turkic poet Magzhan Zhumabayev, is the combination of pantheism, Tengriism, Pan-Turkic doctrine, Nietzscheanism sees the Turk as a superhuman, worshipper of fire and the sun. Magzhan Zhumabayev, who describes himself as "son of the sun, ... prophet"³, sings the praises of Turkestan and Turan.

In the Kazakhs' view, the 'heir to Great Turan' is the Kazakh Khanate of the 15th century, not the Seljuks. And the centre of Eurasia is the 'Great Steppe' of Kazakhstan⁴, not Turkey. According to Nursultan Nazarbayev, the 'Turkic world' originated in the lands of Kazakhstan, the 'ancestral homeland of the Turks'⁵. In 2018, Nazarbayev declared Turkestan the regional capital of South Kazakhstan, replacing Shymkent, as a spiritual symbol of the Turkic world⁶. At Kazakhstan's suggestion, the Declaration of the Organization of Turkic States of 21st November 2021 in Istanbul chose Turkestan as the "spiritual capital of the Turkic world"⁷.

There is also a serious discrepancy between Kazakhstan and neo-Ottoman Turkey in terms of geopolitical interests. Kazakhstan's priority is the 'pan-Asian geopolitical balance' which, even if it merges with the 'pan-Turkic' one, will remain dominant. On 14th -15th September 2023, at the Fifth Meeting of the Leaders of Central Asian Countries, the two projects partially merged into the format 'Central Asia & Azerbaijan'⁸. The Eurasian/Russian region with EurAsEC remains a priority for Kazakhstan. The Eurasian project is 'multinational', while the Turkic one is 'mono-ethnic'⁹.

However, the 'dualism of state identity' in Kazakhstan, defined by Kazakh researchers as "the divergence in the socio-cultural aspirations of the two leading ethnic groups in the country – the Kazakh and the Russian"¹⁰, is not in Russia's favour.

The Kazakh nation is not homogeneous because of the 'oralmans' ('returnees'), as the Kazakhs call those who re-immigrated after 1991 from Uzbekistan, Turkmenistan, China and Mongolia having flown Soviet collectivization. There are even differences in the pronunciation of the

¹ Жанбосинова А.С. Национальная стратегия Казахстана: гражданская идентичность или этническая идентичность – время выбора. – *Российские регионы: взгляд в будущее*, 2016, N 3 (8), с. 195.

² Романова, А.П., Е.В. Морозова. Конструирование новых идентичностей в современном Казахстане: тенденции и ориентиры. – *Мировая экономика и международные отношения*, 2023, том 67, No 7, с. 86.

³ Жумабаев М. Исповедь. /Перевод и примечания Ауэханова Кодара. Петропавловск, 2011, с. 43. 53.

⁴ Туран на старинных картах: Образ пространства – Пространство образов. Алматы – Москва, 2008 г., с. 39–40.

⁵ Статья Главы государства «Семь граней Великой степи». 21 ноября 2018. <https://www.nur.kz/politics/kazakhstan/1764659-sem-granej-velikoj-stepi-opublikovana-novaa-stata-nazarbaeva/>

⁶ Farkhad Sharip. Revival of Pan-Turkism in Kazakhstan Threatens Pillars of Eurasian Union. – *Eurasia Daily Monitor*. Volume: 15. Issue: 104. July 12, 2018 07:50 PM <https://jamestown.org/program/revival-of-pan-turkism-in-kazakhstan-threatens-pillars-of-eurasian-union/>

⁷ Declaration of the Eighth Summit of the Organization of Turkic States. 12 November 2021, Istanbul, Turkey. <https://turkicstates.org/u/d/basic-documents/eighth-summit-declaration-15-en.pdf>

⁸ Tukumov, Y. Kazakhstan's Strategic Priorities in the Turkic World. – *Insight Turkey*, Fall 2023, Vol. 25, No. 4 (Fall 2023), pp. 32–33.

⁹ Кляшторный, С. Россия и Казахстан: геополитическая альтернатива и цивилизационный выбор.. – *Central Asia & Caucasus. Journal of Social and Political Studies*. 2003. No 6 (30). https://cac.org.ru/journal/2003/journal_rus/cac-06/19.kliru.shtml

¹⁰ Шайкемелев М.С. Казахская идентичность в контексте модернизации общества. Монография [Изд. 2-е. Перераб и доп.]. – Алматы: Институт философии, политологии и религиоведения КН МОН РК, 2020, с. 154

ethnonym 'Kazakh' among them: 'gagak' among the Iranian Kazakhs, 'khasyg' among the Mongolian Kazakhs¹. To reduce the division, President Tokayev proposes to formalise the term 'kandas' ('compatriot') instead of 'oralman'.

The linguistic divide also remains among Russian-speaking Kazakhs, whose command of literary Kazakh is poor. For this they are called 'shala-kazakh' [half-Kazakh]. Nazarbayev shares his concern that he is "ashamed of those who divide society"².

Perceptions of the 'Russian world' differ between ethnocentric Kazakhs and their Russian-speaking compatriots. For some ethnocentric Kazakhs, the 'Russian world' is 'Euro-Russocentrism,' from which they try to escape, but they shift to nomadocentrism [a centrism based on the nomadic] and idealization of ancient Kazakhstan as a 'nomadic democracy.' Ethnocentric Kazakhs also deny the 'Soviet' nation as 'mythical', while at the same time defining the inhabitants of Soviet cities in Kazakhstan as 'belonging to the USSR and Russia', effectively 'Soviet'³.

The complex attitude towards the 'Russian world' is also manifested in the ethnocentric perception of the influence of the Russian Empire: "a constant process of erosion of Kazakh identity", of the Soviet Union: "an undermining of ethnocultural identity", and the Russian Federation: "a spiritual and informational dependence"⁴.

Russian-speaking Kazakhs perceive themselves as successors to the Soviet nation, of which the "multinational people of Kazakhstan" were a part. For them, 'Soviet' is synonymous with 'elite' in all areas, while at the same time they criticise the 'peripheral statehood' of the 'steppe mentality'. For Russian-speaking Kazakhs, 'anti-Russian' is synonymous with 'anti-Kazakh'⁵.

The attitude towards the 'Russian world' directly influences Kazakh identity, in contrast to the cultural proximity of the 'Turkic world', which is summarised in the Kazakh question: "Kazakhs must answer not only the question, 'Who are we?', but also the question 'Who are we with?'⁶. If Turkic and Russian worlds are equal in response to 'Who are we?', then the answer to the second question 'Who are we with?' is Russia-Eurasia.

It is difficult to say how long this will remain the case, given the two trends in Kazakhstan, but the poet Magzhan Zhumabayev put it most accurately: "I am a Son of the Universe, I am yours for a time"⁷ Kazakhstan can say 'I am yours for a time' to both Turkey and Russia.

Azerbaijan suggests a stronger ethnocultural affinity with Turkey, but even Azerbaijanis reject the idea of being 'Turkish'. The Azerbaijani party nomenclature was Pan-Turkic during the collapse of the USSR, but Azerbaijani society was not. Under Azerbaijan's first president, Abdulfaz Elchibey (1992–1993), leader of the nationalist Popular Front, the doctrine of 'One Nation, One State' was introduced, and the Azerbaijani language was renamed Turkish. Azerbaijani society rebelled against Turkification because it "saw in Turkish businessmen... the beginning of a new colonialism"⁸. With Aliyev's rise to power (1993), the formula 'One Nation – Two States' was imposed. In 2019, Erdogan attempted to expand the formula to 'one nation – five states'⁹, but this remained only a Turkish vision.

¹ Жанбосинова А.С. Национальная стратегия Казахстана..., 191–192.

² Шайкемелев М.С. Казахская идентичность в контексте модернизации общества..., с. 174.

³ Буркутбай А. "Русский вопрос" в Казахстане: исторические параллели. – *Central Asia & Caucasus. Journal of Social and Political Studies*. Выпуск 15, 1998. https://ca-c.org.ru/journal/1998/15-1998/st_05_ajagan.shtml

⁴ Шайкемелев М.С. Казахская идентичность в контексте модернизации общества..., с. 22–24, 128.

⁵ Своик, П. Национальный вопрос в Казахстане: взгляд "русскоязычного". – *Central Asia and the Caucasus*. Выпуск 15, 1998. https://ca-c.org.ru/journal/1998/15-1998/st_04_svoik.shtml

⁶ Шайкемелев М.С. Казахская идентичность в контексте модернизации общества..., с. 209.

⁷ Жумабаев М. Исповедь..., с. 34.

⁸ Салимов, Г. Этнонационализм и этнополитическая. – *Central Asia and the Caucasus*. Выпуск 15, 1998. https://ca-c.org.ru/journal/1998/15-1998/st_09_salimov.shtml [Accessed 20 July 2025]

⁹ Шангарев, Р.Н. «Армия Турана» – проект Турции по военной интеграции тюркского мира. Угрозы и перспективы. – *Обозреватель–Observer*, 7/2021, с. 75.

Even in Turkey itself, 'Pan-Turkish-ism' cannot build a common Turkish identity owing to the existence of 'two Turkish nations', 'Kemalists/secularists' and 'conservatives', as described by Mustafa Akyol:

"The two 'nations' do not even speak the same language. This results from Atatürk's 'linguistic revolution' – a state campaign to purge the Turkish language of Arabic and Persian loanwords ... Atatürk began to 'discover' (in other words, invent) 'pure Turkish' replacements for tens of thousands of words from the rich Ottoman vocabulary. Today's Turks strictly adhere to the 'old' or 'new' language to emphasise their affiliation with [either] the camp of the children of the language revolution or the language dissidents... even the names people choose for their children are politically charged. Conservative families prefer traditional Islamic names such as Ayşe, Abdullah and Ahmet, while secularists prefer neologisms such as Çağdaş, Evrim and Devrim ('modern,' 'evolution' and 'revolution')"¹.

The Gülen [Hizmet] Network: the globalist instrument of the 'Turkish world'

There are many definitions of Gülen's network, but the most accurate is that of sociologist Joshua Hendrick, who studies 'power as influence and organisational mobilisation.' Hendrik characterises the Gülen movement with the term 'strategic ambiguity', a flexible organisational model without a clear hierarchy, in which 'plausible deniability' makes it difficult to link one to Gülen. Hendrik outlines three circles: 1) the innermost 'jamaat' withmost inspired by Hoca Efendi (the Ottoman scholar & teacher); 2) the middle, core circle of friends 'arkadaşlar', donors and adherents; and finally, 3) there are the sympathisers and "most powerful organisational stratum – the unconscious consumer", who may be a student at a Gülen school or a reader of his writings².

Emilia-Boriana Slavkova defines Gülen's structures as "mimicking local communities and societies, liberal and conservative Islamists" in the 'Hizmet' ('service') movement³. Plamen Ivanov defines Hizmet as 'Euro-Islam' or 'tolerant Islam' in the words of its members as opposed to Salafism, 'moderate Islam'⁴.

Criticising Gülen turns out to be a threat to one's life. Turkish writer and history professor Necip Hablemitoglu, author of the Gülen expose, 'Spy' [Kostebek]⁵ was assassinated in 2002.

Gülen does not differ from Erdoğan in terms of 'Pan-Turkic'⁶, the Kurdish question and the army, which is the main opponent of both⁷. Gülen's first missionary group was in Georgia in January 1990, and in 1996 he shared the goal of his "jamaat in Eurasia": "to return to the homeland of our ancestors," which, beyond the rhetoric, is postcolonial-pragmatics: "... in the days when the saturation of our domestic market has reached its peak, we need foreign markets ... We are presented with a rare opportunity – Central Asia"⁸. The market-oriented Gülen is "is building a financial empire... one of the richest religious communities in Turkey"⁹. The scale of Gülen's activities characterises him as a 'globalist conservative'¹⁰.

Gülen's main ideological tool is the network of private schools – Turkish lyceums, which he opened in the 1990s in the post-Soviet arena and in Russia (until 2007, the last schools remained

¹ Акіол, М. Кои са турците? – В: *Какво мисли Турция?. Европейски съвет за външна политика*, 2012, с. 23–24.

² Dr Joshua Hendrick, Loyola University. *Gülen the Ambiguous Politics of Market Islam in Turkey*. – *Rumi Forum*. Nov 27, 2013. <https://www.youtube.com/watch?v=H8dJCz-Gfz8> [Accessed 20 July 2025]

³ Славкова, Е. „Една от най-сложните страни на земята”..., с. 94.

⁴ Иванов, П. България в Истанбул Ислям и национализъм в Турция..., с. 194.

⁵ Киреев, Н. Исламотурецкий синтез в государственной идеологии Турции..., с. 74.

⁶ Раис Сулейменов: "Пантюркизм станет угрозой в Поволжье только в период ослабления России". – В: *"Мягкая сила" и внешняя политика Турции между экспансией и реалиями*. Москва, 2023, с. 373

⁷ Надеин-Раевский, В.А. Идеиня борьба и «Новая Турция»..., с. 26–29.

⁸ Киреев, Н. Исламо-турецкий синтез в государственной идеологии Турции..., с. 71–73. Gülen's interview is in Yeni Omit. Ekim-Kasim-Aralik. 1996. No 34.

⁹ 'The community owns the Samanyolu TV channel, a radio station (Burg FM), the daily newspaper Zaman, and four scientific and political magazines. - Aksiyon, Zafer, Sizinti u Yeni Umut Dergisi': Başkan, F. The Fethullah Gülen Community: Contribution or Barrier to the Consolidation of Democracy in Turkey? - *Middle Eastern Studies*, Nov., 2005, Vol. 41, No. 6 (Nov., 2005), pp. 850–851.

¹⁰ Taşkin, Y. Upsurge of the Extreme Right in Turkey: The Intra-Right Struggle to Redefine 'True Nationalism and Islam. – *Middle Eastern Studies*, Jan., 2008, Vol. 44, No. 1 (Jan., 2008), p. 144.

in Tatarstan). The methodology is geared towards ideological influence on the 30% of best students, who become part of Hizmet, while the remaining 70% are not initiated¹.

In respect of Hizmet's intentions, Gülen's words are quoted: 'You must move through the arteries of the system so that no one notices you until you reach all the centres of power'².

In Russia, Gülen's globalist 'Pan-Turkish-ism' created the 'Dialogue Eurasia' platform with its magazine 'DA' (Diyalog Avrasya), bringing together scholars, writers and journalists from the Russian and post-Soviet areas of Eurasia, including [author] Chingiz Aitmatov, academician Rostislav Rybakov, Indologist and student of Svetoslav Roerich, Prof. Vitaly Sheremet, orientalist and apologist for Gülen, calling him a "righteous man"³. Chingiz Aitmatov defines 'Eurasia' as Russia, not Turkey: 'It is only thanks to Russian colonialism that we, the inhabitants of Central Asia, have been able to merge into a single civilisation. Russia remains the core around which the Eurasian axis revolves'⁴.

Prof. Svetlana Vinokurova, one of the chairpersons of 'Dialogue Eurasia,' defines Istanbul as a 'symbol of Eurasianism,' shares the 'revolutionary' decisions of the Second Vatican Council, and compares the Eurasian platform to a 'spiritual Davos'⁵. Another aspect of Gülen's globalist reach is ecumenism under the guise of 'dialogue between civilisations'.

Gülen met Istanbul Patriarch Bartholomew (April 1996) and then Pope John Paul II (February 1998)⁶. Gülen kissed the Pope's hand and attended the wedding of a Catholic and a Muslim, scandalising traditional Muslims⁷.

Gülen advocates ecumenical positions: 'All religions are based on the same principles, so we must start a dialogue ... Let no one doubt that Muslims, Christians and Jews will grow even closer'⁸. Gülen writes that he 'cannot ignore' the decisions of the Second Vatican Council⁹. Turkish nationalists accuse Gülen of being 'guided by the trio of the United States, Israel and the Vatican'¹⁰.

Catholic authors compare Gülen to Ignatius of Loyola and the schools of 'Hizmet' to those of the Jesuits. The expectations of the 'Jesuit' methods of Gülen's network are: 'Hizmet members can not only revitalise the religion of Islam... but also help Christians find new resources to refresh their own faith'¹¹.

Contacts between Hizmet and the Vatican are undertaken through the Tevere Institute, established in 2007 for interfaith dialogue, whose website prominently features a photo of Gülen with the quote: 'Any form of violence against innocent civilians or persecution of minorities is

¹ Раис Сулейменов: "Пантюркизм станет угрозой в Поволжье только в период ослабления России"... с. 373–374.

² Султанмуратов, Ф. Кукеева, Е. Чукубаев, К. Байзакова. Казахскотурецкие лица как фактор распространения идеи гюленизма в Казахстане. – *Central Asia and the Caucasus*. Том 23 Выпуск 2, 2020, с. 25.

³ Шеремет, В.И. Фетхуллах Гюлен в диалоге культур Востока и Запада. – В: *Толерантность религий и цивилизаций. Взгляды Фетхиллаха Гюлена*. Москва, 2012, с. 180.

⁴ "Империализм может тоже иметь свои положительные стороны". Интервью с Чингизом Айтматовым. 12 июля 2005 г. – <https://www.inopressa.ru/article/12Jul2005/faz/aitmatov.html?ysclid=mgwqluiw6h760992204> [Accessed 20 July 2025]

⁵ Шаблыко, Т. Платформа «ДА»: евразийский позитив. Интервью с Светланой Винокуровой. – *Беларуская думка*, 2013, N 4, с. 49–50.

⁶ Başkan, F. The Fethullah Gülen Community..., p. 850.

⁷ Надеин-Раевский, В.А. Идеиная борьба и «Новая Турция». – *Вестник МГИМО-Университет*, No 2 (47) 2016, с. 25.

⁸ Брусиловский, Д.А. Реализация межкультурных возможностей диалога Запада и Востока в межрелигиозной сфере. – *Вестник АГТУ*, 2016. No 1 (61), с. 54.

⁹ Гюлен, Ф. Необходимость межрелигиозного диалога. – В: *Толерантность религий и цивилизаций. Взгляды Фетхиллаха Гюлена*. Москва, 2012, с. 48.

¹⁰ Taşkın, Y. Upsurge of the Extreme Right in Turkey: The Intra-Right Struggle to Redefine "True Nationalism and Islam...", p. 144.

¹¹ Valkenberg, P. Religious life and service in Christianity and Islam. - In: *Renewing Islam by Service*, Catholic University of America Press. (2015), pp. 251, 253, 256.

contrary to the principles of the Koran and the tradition of our prophet (peace and blessings be upon him)¹. Care for minorities does not include the Armenian genocide, on which Gülen has no official position.

The Vatican's influence in Turkey grew during the diplomatic mission of Angelo Roncalli, the future John XXIII, known as the 'Turkish Pope' [papa Turca] or 'Turkophile Pope'. The diplomacy of the papal nuncio (1935–1944) is described by Turkish professor Cenap Aydin as the 'Roncalli effect'².

In subsequent papal visits to Turkey, there was a series of 'Roncalli effects' in the ecumenical sphere.

Paul VI was the first pope to visit Turkey (1967) and meet Patriarch Athenagoras in Fener, embracing him and greeting him with the 'kiss of peace' – the 'Roncalli effect'. John Paul II went to Turkey (1979) on the feast of St. Andrew and crossed himself from right to left like an Orthodox practitioner – the 'Roncalli effect'. Benedict XVI visited Turkey (2006) after a scandal over his speech in Regensburg, when he quoted the Byzantine Emperor Manuel Palaiologos: 'Show me just what Mohammed brought that was new and there you will find things only evil and inhuman, such as his command to spread by the sword and the faith he preached.' Benedict XVI is the first pope to pray in a mosque (the Blue Mosque) together with the mufti of Istanbul – the 'Roncalli effect'. Francis also visited Turkey (2014) and continued the tradition of joint prayer with the mufti and statements about 'rapprochement between the Catholic and Orthodox Churches'³.

The ecumenical dialogue between Fener and Rome does not affect the main feature of 'Pan-Turkish-ism' – anti-Christianity. In an interview with Euronews, Erdogan states that 'the EU should not become a Christian club'⁴. In 2020, Erdogan was considered to have desecrated St. Sophia, turning it into a mosque, which has been the dream of Turkish nationalists and Islamists since the late 1940s. St. Sophia is perceived by nationalists as a symbol of the 'Turkish-Islamic character of Istanbul'⁵. Ali Erbaş, president of Diyanet (Directorate of Religious Affairs), personally led the ceremony in St. Sophia, delivering a sermon with a sword. The Minister of the Environment and Urban Planning, Erdogan Bayraktar, stated that 'Christianity is no longer a religion' but a culture⁶.

Aggression against people of other faiths is no different among the Ottomans, Kemalists (Armenian genocide; the massacre of Orthodox Greeks in Turkey, neutrally referred to as 'the events of 6th – 7th September 1955'⁷), and the neo-Ottomans (the massacres of Christians, Yazidis, etc. in Syria after 2024).

The idealization of the West is another characteristic feature of 'Pan-Turkish-ism', which represents a *Turkish-Islamic-Western* synthesis.

The leading ideologist of the Young Turks, Mehmet Ziya Gökalp, emphasises in his programmatic text 'The Foundations of Pan-Turkism' (1923): 'We belong to the Turkish nation, the Islamic umma, and Western civilisation'⁸.

¹ Tevere Institute. http://www.istevere.org/?page_id=356 [Accessed 17 July 2025]

² Presentazione del libro Giovanni XXIII Amico Dei Turchi di Rinaldo Marmara (Jaca Book, 2013) <http://www.istevere.org/?p=256> [Accessed 17 July 2025]

³ Türkan, A. Turkey-Vatican Relations from the Ottomans to the Republic, *International Journal of Humanities and Social Science (IJHSS)*, Vol. 5, No. 5; May 2015, 148-163.

⁴ Реджеп Тайип: ЕС не должен стать христианским клубом и не должен принимать участия в кампании исламофобии. – *Ислам в современном мире* № 1-2 (25-26) 2012. <https://idmedina.ru/books/islamic/?4763> [Accessed 17 July 2025]

⁵ Taşkin, Y. Upsurge of the Extreme Right in Turkey..., p. 143

⁶ Газтан, В. Католическая геополитика. Папа, Эрдоган, Сирия и Украина. <https://inosmi.ru/20141202/224618250.html>

⁷ Güven, D. Riots against the Non-Muslims of Turkey: 6/7 September 1955 in the context of demographic engineering. – *European Journal of Turkish Studies*, 2011, N 12, p. 3.

⁸ Иванов, П. България в Истанбул Ислям и национализъм в Турция..., с. 96, 112.

The West is present not only in Turkish minds, but also as a global factor influencing Turkey. It is no coincidence that Erdogan went to Pennsylvania to visit Gulen before coming to power. Gulen was also visited in the United States by future President Abdullah Gul before the elections¹.

In the apologetic collection of Belarusian scholars on Gülen alongside 'Dialogue Eurasia,' one can also find the sober observation that two civilisations will benefit from the 'Fethullah Gülen project': the Islamic and the North American².

A Bulgarian situational analysis from 1993 defines the role of the Balkans, for the United States, as part of 'the chain of strategic strongholds that they are building around the European 'heartland'. The support they provide to Muslim forces in Bosnia ... highlights American geostrategic aspirations'³.

Bulgarian diplomatic analysis of Russian-Turkish relations in the Balkans

Bulgarian diplomatic analytical studies from the 1990s explore, with particular interest, Russia's 'strategic sensitivity' in the Balkans as indicated by Russian-Turkish relations. Russia and Turkey⁴ remain 'tactical partners' and 'strategic rivals' in geopolitical and ideological terms.

Even before the USSR folded, Turkey formalised the concept of 'external Turks' at the International Kurultai [assembly of Mongol & Turkic leaders] of Turkestan convened in Istanbul in December 1990⁵.

Following the collapse of the Warsaw Pact, the USSR and, subsequently Yugoslavia, Turkey dramatically increased its regional influence and activity in the post-Soviet and post-Yugoslav sphere. In 1992, the Turkish Cooperation and Coordination Agency (TIKA) was established in Ankara and, in the same year, Süleyman Demirel announced that Turkey would become a 'cultural centre and historical magnet for the newly sovereign states' with the geography of the 'Turkic world,' stretching from the Adriatic to the Great Wall of China⁶. Demirel also formed a group of linguists to accompany him on a tour of Central Asia to prepare post-Soviet Turks for the transition from Cyrillic to the 'common Turkic Latin alphabet'⁷.

However, Turkish Prime Minister Demirel realised that, although Russia's ideological and geopolitical positions had weakened after the collapse of the USSR, this did not affect its military potential. In 1993, Demirel stated in an interview that 'the Soviet Union collapsed, but its military capabilities and mechanisms remained intact'⁸. Bulgarian diplomats noted that Turkish military officials used the term 'potential threat to Turkey's security' when referring to Russia⁹.

The strengthening of Turkey's presence in the post-Soviet and Yugoslav spheres of influence is a subject of interest to Bulgarian diplomacy. Russian-Turkish rivalry in the Balkans is 'a matter of particular importance' for Bulgaria and is being monitored by Bulgarian diplomats with 'increased attention'¹⁰. According to a diplomatic analysis from 1995, after the collapse of the USSR, Turkish policy in the Balkans became more active, and Turkey was trying to play a 'leading role', as a

¹ Надеин-Раевский, В.А. Идейная борьба и «Новая Турция»..., с. 24.

² Социально-философские аспекты учения Ф. Гюлена: взгляд белорусских ученых. Минск, 2012, с. 24.

³ Балканска сигурност. Политически и военни проблеми. София, 1995, с. 13.

⁴ Details and personal observations on the Turkish direction in Bulgarian diplomacy can be found in the memoirs of Ambassador Petar Vodenski, Consul General in Istanbul (1990–1991) and Extraordinary and Plenipotentiary Ambassador in Ankara (1991–1992). – Воденски, П. А иначе дипломатията е сериозен занаят. София, 2024.

⁵ Аватков, В. Перекресток геополитических интересов России и Турции – Кавказ и Центральная Азия. Институт Ближнего Востока. <http://www.iimes.ru/rus/stat/2009/24-04-09a.htm> [19.02.2020]

⁶ Дружиловский, С.Б., Аватков, В.А. Россия и Турция в новом тысячелетии. – В: Российско-турецкие отношения: 2002–2012 годы (материалы Круглого стола, г. Москва, 4 апреля 2013 года). Москва, МГИМО-Университет, 2013, с. 16.

⁷ Демоян, Г.А. Культурно-образовательный пантюризм: история и современность. – В: Востокведный сборник, вып. 4, Институт изучения Израиля и Ближнего Востока. М., 2002, с. 41.

⁸ АМВнР. Дело 3. Оп. 52-25. А.е. 31. Л. 10.

⁹ АМВнР. Дело 3. Оп. 52-25. А.е. 31. Л. 26.

¹⁰ АМВнР. Дело 3. Оп. 52-25. А.е. 31. Л. 43.

result of which 'Russia's footholds in the Balkans have been reduced to a minimum', with Moscow seeking rapprochement with the 'disobedient child' of the socialist camp – Serbia¹.

In its quest to become a regional superpower in the Balkans, and while Russia is restoring its 'historic friendship with Serbia', Turkey, according to Bulgarian diplomats, 'has gained solid positions in Macedonia and Bosnia and Herzegovina'².

Diplomatic analysis pays special attention to the 'Islamic factor,' or 'politicised Islam,' as a leading factor in strengthening Turkey's position in the Balkans. The Turkish thesis on Ankara's vocation as a 'defender' of Muslims suggests: 'for Turkey, Muslims in Bosnia and Herzegovina are the same as Palestinians for the Arabs' which is why Turkey 'violates the arms embargo against Bosnian Muslims' and in December 1994, Turkish Defence Minister M. Gölhan admitted that Turkey was 'secretly supplying weapons to the Bosnian government'³.

An important part of the 'Islamic arc' in the Balkans is Macedonia⁴ and Turkish policy towards Macedonian Muslims. Diplomatic analysis explains Turkey's rapid recognition of Macedonia's independence, whereby it "did not consult its NATO allies" in order to present itself as a 'protector', with Ankara 'offering military training and Turkish weapons for the newly formed Macedonian army' together with cultural cooperation⁵.

Russia is the seventh country to recognize Macedonian independence after Bulgaria, Turkey, Slovenia, Croatia, the Philippines and Lithuania. Bulgarian diplomats observe continuity between Russia and the USSR in terms of their policy towards Macedonia, noting that 'Belgrade has the greatest chance of influencing Macedonia'. Bulgarian diplomatic analyses assess the overall policy of Russia and Turkey towards Macedonia as 'not in our [best] interest', since both Russian and Turkish goals are 'inconsistent with Bulgarian national interests'⁶.

The main conclusion for Bulgaria, according to the diplomatic analysis, is that 'the deterioration of Russian-Turkish relations would be unfavourable for Bulgaria' in a regional context. However, there is a global factor influencing Russian-Turkish relations, according to Bulgarian diplomats, namely: 'the confrontation between the two world powers – Russia and the United States'⁷. The Bulgarian diplomatic forecast from the 1990s was that, due to the decisive activation of Russian Balkan policy, 'in the future, nothing important will happen in the Balkans without Russia's knowledge and participation'⁸.

According to Bulgarian diplomatic analyses, there is a 'discrepancy and opposition' between Russian and Turkish interests in the Balkans, and Turkey is 'forced'⁹ to comply with Russia, despite [the latter's] weakened position.

The rewriting of history: an ideological tool of the 'Turkish world'. The Bulgarian perspective

¹ АМВНР. Дело 3. Оп. 52-25. А.е. 31. Л. 4.

² АМВНР. Дело 3. Оп. 52-25. А.е. 31. Л. 33.

³ АМВНР. Дело 3. Оп. 52-25. А.е. 31. Л. 34–35.

⁴ For details on relations between Bulgaria and the Republic of Macedonia, see. *Божинов, В.* Република Македония в съвременната геополитика. София, 2017, с. 205–244.; For the geopolitical aspects of the Yugoslav crisis based on archival documents from Archive of the Ministry of Foreign Affairs until 1992, see. *Божинов, В.* Социалистическа Югославия в разпад (1989–1992). София, 2021; *Bojinov, V.* Why did Yugoslavia Break Up? A View From Outside. – *Токови историје*, 2012, N 2, с. 265–271; *Bojinov, V.* Economic, Social and Political Situation in the Socialist Federal Republic of Yugoslavia after Tito's death (according to the notices of the Bulgarian diplomats in Belgrade). – В: *Tematski zbornik radova međunarodnog značaja. Socijalna politika u Srbiji na raskršću vekova*. Beograd, 2019, pp. 273-283; *Божинов, В.* Почему распалась Югославия? Краткий обзор событий и причин от Тито до Милошевича. – В: *Imagines Mundi. Альманах исследований всеобщей истории XVI-XX вв.* Балканика. Выпуск 2. Екатеринбург, 2010, с. 248-257.

On the "Green Diamond Strategy"... on the construction of a corridor through Bulgaria, Macedonia, Kosovo, Bosnia, and the establishment of Turkey as a suzerain in the region. See. *Чакъров, К.* От втория етаж към нашествието на демократите. София, 2001, с. 286–290.

⁵ АМВНР. Дело 3. Оп. 52-25. А.е. 31. Л. 39.

⁶ АМВНР. Дело 3. Оп. 52-25. А.е. 31. Л. 40.

⁷ АМВНР. Дело 3. Оп. 52-25. А.е. 31. Л. 44.

⁸ АМВНР. Дело 3. Оп. 51-25. А.е. 24. Л. 24.

⁹ АМВНР. Дело 3. Оп. 52-25. А.е. 31. Л. 37.

History is the main 'ideological' tool of 'Pan-Turkish-ism' in Bulgaria and the Balkans and has been assigned a special strategic role in Davutoğlu's doctrine (Strategic Depth): 'Strategic consciousness must be based on history, but strategic planning on today's realities'¹. The distortion of history leads to a distortion of consciousness.

The term most commonly used by Turkey is 'common history', as set out in the 'Turkic Vision 2040'. An eloquent example of how they understand 'common' is the Declaration of the 18th meeting of the Organization of Turkic States (OTS) (Istanbul, 2021), which highlights the 60th anniversary of the first manned space flight from Baikonur, Kazakhstan'². Neither the name of the 'man' Gagarin nor the state, 'USSR' are mentioned – they are not part of the 'common'.

Another example of a selective approach to 'shared history' comes from historian Ibrahim Karahasan-Chynar, who does not sympathise with the neo-Ottomans, but calls on five EU member states (Bulgaria, France, Greece, Italy, the United Kingdom), which 'had troops in the territory of present-day Turkey' to 'begin a process of self-reflection because they do not pay attention to the lasting consequences of these wars, in which even the capital of Turkey was occupied for several years'³.

'Common history' is also understood as common geography. The Bulgarian brand of 'Pan-Turkish-ism' (global Turkey doctrine) has a focal point that is present in Davutoğlu's 'Islamic Arc'⁴ – the city of Kardzhali.

Kardzhali is given a special place in the 'Cultural Atlas of the Turkic World'⁵ In 2023, a 'documentary'⁶ film about the creation of Kardzhali was broadcast, financed by the Turkish state (for 900,000 lira). The film refers to the conquest of the Rhodopes by the Ottomans as 'their creation' and presents, as historical fact, the legend of Kardzha Ali, for whom a concrete 'turbe' (mausoleum) was built in Kardzhali, which also appears as 'Ottoman heritage' in the Cultural Atlas.

In 2012, municipal councillors from the Movement for Rights and Freedoms (MRF) were alarmed by the announcement that General Vasil Delov would be made an honorary citizen of Kardzhali on the occasion of the 100th anniversary of the city's liberation from Turkish rule. For the MRF, the First Balkan War is an 'evil for the Rhodopes'⁷.

Turkey has a special interest in the Rhodopes because of their strategic advantage, as analysed by Voin Bojinov: 'Whoever controls the water resources of the Rhodopes and Bulgarian part of Thrace has the opportunity to turn the whole of Northern Greece and the western part of Eastern Thrace into either a paradise or a desert'⁸.

Kardzhali is also linked, in some irrational way, to Turkey's painful memories of the Balkans. 'Pan-Turkish-ism' and 'neo-Ottomanism' are also the result of Turkish fears. It is no coincidence that Davutoğlu asks the rhetorical question: 'Is the erasure of the Ottoman Empire still going on?'⁹.

¹ Давутоглу, А. Стратегическа дълбочина..., с. 84.

² Declaration of the Eighth Summit of the Organization of Turkic States. 12 November 2021, Istanbul, Turkey. <https://turkicstates.org/u/d/basic-documents/eighth-summit-declaration-15-en.pdf>

³ Алтънай, Х. Движещи се части. – В: Какво мисли Турция?. Европейски съвет за външна политика, 2012, с. 47–48.

⁴ 'The arc that starts in the northwest from Bihac and follows the line of Central Bosnia – Eastern Bosnia – Sandzak – Kosovo – Albania – Macedonia – Kardzhali – Western Thrace... the lifeline of Turkey's Balkan geopolitics': Давутоглу, А. Стратегическа дълбочина..., с. 377.

⁵ Yeşiltepe, A. Türk Dünyası Kültür Atlası, Ötüken Neşriyat A.Ş., İstanbul, 2023. https://www.otuken.com.tr/u/otuken/docs/t/turk-dunyasi-kultur-atlasi-pdf-1701280316.pdf?srsltid=AfmBOo6nGfyCI_7kxnIkpYB1Y6ws4WfntaWQArwU93cuWQKU1iWYBb

⁶ Документален филм за легендата за създаването на Кърджали пороци спорове. Екранизацията, с финансиране от турската държава, провокира дебат доколко историята е истинска или провокация. – BTV. 25.09.2023 г.

<https://btvnovinite.bg/bulgaria/skandal-za-dokumentalna-lenta-sporove-okolo-film-za-kardzhali-finansiran-ot-turcija.html>

⁷ Освободителят на Кърджали се оказа недостоеен да бъде почетен гражданин. – 24 часа, 21 октомври 2012 г. <https://www.24chasa.bg/bulgaria/article/1597668>

⁸ Божинов, В. Република Македония..., с. 227.

⁹ Давутоглу, А. Стратегическа дълбочина..., с. 151.

Yordanka Bibina describes the loss of the Balkans, in Turkish memory, as ‘the greatest trauma’ and ‘Balkan nostalgia’ as part of the Turkish national identity¹.

Stanislav Stanilov explains the ‘Balkan trauma’ as ‘the deep complexes of modern Turks, who cannot identify their’s as a European society’ and that, without the Balkans, the neo-Ottomans cannot perceive Turkey as a European country².

Davutoğlu fears a new ‘Balkan Union’, but claims the “right to intervene in matters concerning Muslim minorities in the Balkans” following the example of the ‘Cyprus military operation’³, thereby provoking Bulgarian concerns.

The term ‘minority’ is not used when referring to the Turkish state, but for the Balkans and Bulgaria it is fundamental to ‘Pan-Turkish-ism’ (global Turkey).

Emilia-Boriana Slavkova notes that Bulgaria signed the Framework Convention for the Protection of National Minorities (1995) in the Council of Europe with a ‘special opinion’ and a statement that there are no ‘national minorities’ within its borders, but there are ‘communities’⁴.

Ambassador Lyuben Petrov recalls that ‘in no bilateral Bulgarian document since the Liberation of Bulgaria in 1878 does the term ‘Turkish minority’ appear. The 1925 Treaty uses the term ‘Muslim communities’ in Bulgaria but refers to a ‘Bulgarian minority’ in Turkey’⁵. Valeri Stoyanov agrees with the term ‘Turkish minority’⁶.

Unfortunately, sometimes the distortion of historical memory is initiated by the Bulgarian side, as in the case of the exhibition ‘The Decoration of the Yatagan’ at the Regional Military History Museum in Pleven (10th April 2025) with a specially published luxury catalogue. The Yatagan was presented as ‘cultural heritage’, ‘bearer of the collective intellect of the time’, the theme of ‘the Decoration of the Yatagan’ being a ‘correct definition’⁷ of elements of history, etc. The public reaction was stormy. Velizar Enchev described the exhibition of the Yataga as ‘a mockery of national memory’ and ‘a perversion to honour the weapon of the bloody massacre in Batak’⁸.

The Yatagan can only be displayed as a trophy. The death of Bulgarian martyrs cannot be ‘glossed over’.

If the ‘decoration of the Yatagan’ is a psycho-historical factor for the replacement of national memory, then the Declaration condemning the attempt at forced assimilation of Bulgarian Muslims, adopted on 11th January 2012 by the National Assembly, is a political retreat at the highest level, using false concepts about the forced expulsion of some Bulgarian Turks in 1989 as ‘ethnic cleansing’⁹.

The declaration is an ‘anti-Bulgarian document’ of which Turkey took advantage as early as 13th January, when the Turkish Ministry of Foreign Affairs ‘expressed satisfaction with the

¹ Бибина, Й. Балканските идентичности през призмата на тюрклюка. <https://balkansbg.eu/bg/content/b-identichnosti/487-tyurklyuka.html>

² Станилов, С. Новият османизъм и българите..., с. 12–13, 20.

³ Давутоглу, А. Стратегическа дълбочина..., с. 155, 154.

⁴ Славкова, Е. Съвременни турски тълкувания на Ангорския договор и турският хегемонистичен национализъм в българо-турските отношения. София, май 2016, с. 1–29. <https://natfiz.academia.edu/EmiliaSlavkova>

⁵ Петров, Л. Неоосманизъм..., с. 118.

⁶ Стоянов, В. Турското население в България между полюсите на етническата политика. София, 1998, с. 5.

⁷ Регионален военноисторически музей - Плевен., фейсбук, 10 април 2025 г.

⁸ „Жестока гавра с националната памет: вицепрезидентът открива в Плевен изложба с името “Украсата на ятагана”. Перверзия е да почиташ оръжието на кървавата сеч в Батак”: https://novini247.com/novini/8222-jestoka-gavra-s-natsionalnata-pamet-vitseprezident-otkriva-v-pleven-izlojba_9036351.html [Accessed 20 July 2025]

⁹ Декларация осъждаща опита за насилствена асимилация на българските мюсюлмани. 11 януари 2012 г. – *Държавен вестник*, брой 5, 2012 г.

<https://www.parliament.bg/bg/declaration/ID/13813>

decision of the National Assembly and gave further guidance: a) the perpetrators should be convicted and punished b) all 360,000 victims should be compensated'¹.

The political reaction to 'Pan-Turkish-ism' on the Bulgarian side at National Assembly level is reflected in the proposals of the Ataka party for a 'draft resolution recognising the genocide of Bulgarians in the Ottoman Empire between 1393 and 1913' on 17th May, the date on which the Holy Martyrs of Batak are commemorated.

On 2nd March 2016, a 'brief chronicle of the atrocities committed in 1913 alone' was described from the parliamentary rostrum: '2nd July - 1,100 women and children and 350 men were killed in the village of Bulgarköy; 8th July - the entire population of the village of Enidje was massacred; 9th July - 521 Bulgarians were killed in Edirne, after being beaten with iron bars and cut with knives; 10th July - all captured inhabitants (unknown number) of the village of Mustafa Pasha (near Svilengrad) were killed in the slaughterhouse. Teacher dyado Vuglyarov was beheaded along with the priest's mother...'². The proposal by Ataka was not accepted, but it was supported by historian and VMRO (Bulgarian National Movement) leader Krasimir Karakachanov.

In the proposal the time frame for the 'genocide of Bulgarians in the Ottoman Empire' is very broad (1393-1913), and would make it difficult to confirm the policy of 'genocide' being extant for the entire period from the 14th to the 20th century. It would be more realistic to request recognition of the 'Bulgarian genocide in Thrace, 1913,' just as the Armenian genocide is recognised for 1915, even though the Turkish massacres began in the 1890s. Unfortunately, very few researchers use the term 'genocide'³, to describe the massacre of Thracian Bulgarians, with most referring only to the 'refugee problem'.

The psycho-historical impact of Davutoğlu's doctrine in the Balkans and in our country can have two effects:

1) fear of revenge (Lyuben Petrov: 'The problem is that Bulgaria has no doctrine towards Turkey', and 'Serious concern, tomorrow we could be another Cyprus or something worse. Like Bosnia, for example'⁴. Stanislav Stanilov: 'I am beginning to think that I am living at the end of the 14th century - such political and moral apathy reigns'⁵);

2) the mobilisation of historical consciousness.

Are there risks from the 'Turkish world'?

The geopolitical possibility of a 'Turkish world' is limited, and its activation driven by external factors: The First World War and the revolutions (1917); World War II; the end of the Cold War (1989); the collapse of the USSR (1991); and the break-up of Yugoslavia (1991-2008).

Turkey cannot become a global 'factor', and even when it acts as a regional one, 'Pan-Turkish-ism' is *situational* and adapts to external forces.

An example of situational 'Pan-Turkish-ism' is Turkey's behaviour during World War II. If, in the autumn of 1942, 'Pan-Turkish-ism' was on the rise, Turkey concentrated about half its soldiers on the Caucasian border with the USSR, and Turkish Prime Minister Saracoglu declared to the German ambassador: 'The destruction of Russia is a reality for the Führer... and a centuries-old dream of the Turkish people'⁶, but in 1944, a 'secret Turanian organisation' was uncovered in Turkey, followed by arrests⁷.

'Pan-Turkish-ism' (global Turkey doctrine) can only be dangerous in the event of tectonic geopolitical upheaval, not on its own initiative.

¹ '...there was no ethnic cleansing. The majority of the approximately 600,000 Turks remained in Bulgaria... 110,000 of those who had left returned after a few days... The Turkish government accepted the remaining 200,000 and closed the border behind them': Петров, Л. Неоосманизмът..., с. 152.

² Станилов, С. Новият османизъм и българите..., с. 100-109.

³ Славкова, Е. Силното изригване на възходящия турски национализъм, извършител на българския геноцид в Тракия 1913 г. София, 17 януари 2024 г. <https://natfiz.academia.edu/EmiliaSlavkova>

⁴ Петров, Л. Неоосманизмът..., с. 14, 117.

⁵ Станилов, С. Новият османизъм и българите..., с. 8.

⁶ Надеин-Раевский, В. История пантюркизма и его современные сторонники. Часть 1. Пантюркизм: основные вехи истории. Перспективы. Электронный журнал. No1, 2022, с. 71.

⁷ Пеева, К. Турският национализъм през XX век..., с. 182.

The post-Soviet arena rejects 'Pan-Turkish-ism', a nation-centred doctrine, and chooses 'Pan-Turkic' world (multinational Turkic diversity).

Post-Soviet Turks have acquired the consciousness of sovereign nations thanks to Soviet national policy, as a result of which they perceive Turkey as an equal partner rather than a leading centre of neo-Ottoman reintegration.

The inter-relationship of post-Soviet Turks with Istanbul is 'Turkic' rather than 'Turkish' and is being successfully implemented on an equal basis: economically with Central Asia; militarily and economically with Azerbaijan; and culturally and ideologically with part of the Western Balkans.

What are the risks of the 'Turkish world'?

In the post-Soviet area, the risk for Armenia is perhaps the greatest owing to the Turkish-Azerbaijani military-political alliance and the peculiar Armenian regime, which is unlikely to stop at Nagorno-Karabakh if the international security system continues to erode.

Moreover, a situation similar to that of the First World War is emerging, when the 'Armenian wedge' separating the Ottoman Empire from the Turkic world stood in the way of the 'realization of the idea of 'Greater Turan', which was followed by the Armenian genocide¹.

The modern 'Armenian wedge' separating Turkey and Azerbaijan from the Turks in post-Soviet Central Asia is the Zangezur corridor, which has a special place in the 'Turkic Vision 2040'².

For Russia, the risk of 'Pan-Turkish-ism' is the weakest and is perceived as a 'sleeping threat' that can only be activated in the event of "major political upheavals"³.

For the post-Yugoslav sphere, 'Pan-Turkish-ism' (global Turkiye) remains an instrument of the United States. Davutoğlu fails to create a "regional balance of power" and creates only a 'Turkish balance of power – between subordination to the United States and autonomous self-assertion'⁴.

'Pan-Turkish-ism' is a reactive doctrine; it lacks the power of geopolitical initiative because it is weak from within, hostage to the instability of Turkish identity, and irreversibly divided into 'two Turkish nations'. 'Pan-Turkish-ism' (Turkish world) represents a Turkish-Islamic-Western synthesis.

For Bulgaria, the risk is not from 'Pan-Turkish-ism' but from internal erosion of the sovereignty of historical consciousness.

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² Turkic World Vision - 2040. <https://turkicstates.org/en/news/turkic-world-vision-2040>

³ Раис Сулейменов: "Пантюркизм станет угрозой в Поволжье только в период ослабления России"... с. 377.

⁴ Петров, Л. Неосоманизмът..., с. 47.

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**ȘTIINȚE POLITICE
POLITICAL SCIENCE
ПОЛИТИЧЕСКИЕ НАУКИ**

**SECURITY COUNCIL OF THE SLOVAK REPUBLIC –
THE SUPREME CRISIS MANAGEMENT BODY**

**CONSILIUL DE SECURITATE AL REPUBLICII SLOVACE –
ORGANUL SUPREM DE GESTIONARE A CRIZELOR**

**СОВЕТ БЕЗОПАСНОСТИ СЛОВАЦКОЙ РЕСПУБЛИКИ –
ВЫСШИЙ ОРГАН ПО УПРАВЛЕНИЮ КРИЗИСНЫМИ СИТУАЦИЯМИ**

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ABSTRACT:

**SECURITY COUNCIL OF THE SLOVAK REPUBLIC –
THE SUPREME CRISIS MANAGEMENT BODY**

The current highly tense international situation, as well as several internal political problems, highlight the importance of crisis management and its significance in Slovakia. Preparation for resolving crisis situations is becoming increasingly vital. The capability to respond to crisis situations that could be exacerbated by further development of the international situation, the proliferation of local conflicts and also lessons learned from internal political crises such as the refugee crisis or the handling of the COVID-19 pandemic, are becoming more prominent. Crisis management is therefore among the very important areas of public administration functioning in Slovakia. In recent years, it has been tested several times, as serious

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crisis situations on both the domestic and international scenes had to be addressed. Specifically, the COVID-19 pandemic, as well as the war in Ukraine and the associated refugee crisis, tested its functionality.

These crisis situations revealed its strengths and weaknesses. Currently, the Government of the Slovak Republic, individual ministries and especially the Ministry of Interior of the Slovak Republic, which is primarily responsible for crisis management, face a serious task: to completely redefine and re-establish the basic parameters of crisis management. A decisive role in crisis management falls on state administration bodies. The Security Council of the Slovak Republic is the supreme body of crisis management in the Slovak Republic. It is an advisory body to the Government of the Slovak Republic and participates in the creation and implementation of the security system of the Slovak Republic.

The Security Council is a permanent advisory, initiative, and coordinating body of the Government of the Slovak Republic. It ensures compliance with international security obligations, evaluates the security situation in the Slovak Republic and in the world. The council prepares proposals for measures for the government to maintain the security of the Slovak Republic, to prevent crisis situations, and to resolve existing crisis situations. In the event that the government is unable to function during states of crisis, during war, state of war, or state of emergency, the Security Council of the Slovak Republic exercises its constitutional powers to the extent as defined by law.

The Security Council is tasked with the responsibilities in peacetime, as well as during war, a state of war, or a state of emergency. During war and a state of war, this body carries out the tasks at the main defense management site of the state. It is therefore important to know its main tasks, structure and especially the expert departments that prepare background materials for the Government of the Slovak Republic.

Keywords: Crisis management, Security Council, respond to crisis situations.

JEL Classification: H11; H56; K10

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REZUMAT:

CONSILIUL DE SECURITATE AL REPUBLICII SLOVACE – ORGANUL SUPREM DE GESTIONARE A CRIZELOR

Situația internațională extrem de tensionată actuală, precum și mai multe probleme politice interne, evidențiază importanța gestionării crizelor și importanța acestora în Slovacia. Pregătirea pentru rezolvarea situațiilor de criză devine din ce în ce mai vitală. Capacitatea de a răspunde situațiilor de criză care ar putea fi exacerbate de dezvoltarea ulterioară a situației internaționale, de proliferarea conflictelor locale și, de asemenea, de lecțiile învățate din crizele politice interne, cum ar fi criza refugiaților sau gestionarea pandemiei COVID-19, devin din ce în ce mai proeminente. Prin urmare, gestionarea crizelor se numără printre domeniile foarte importante ale funcționării administrației publice în Slovacia. În ultimii ani, a fost testat de mai multe ori, deoarece au trebuit abordate situații grave de criză atât pe scena internă, cât și pe cea internațională. Mai exact, pandemia COVID-19, precum și războiul din Ucraina și criza refugiaților asociată, și-au testat funcționalitatea.

Aceste situații de criză și-au dezvăluit punctele forte și punctele slabe. În prezent, Guvernul Republicii Slovace, ministerele individuale și în special Ministerul de Interne al Republicii Slovace, care este în primul rând responsabil pentru gestionarea crizelor, se confruntă cu o sarcină serioasă: redefinirea completă și restabilirea parametrilor de bază ai gestionării crizelor. Un rol decisiv în gestionarea crizelor revine organelor administrației de stat. Consiliul de securitate al Republicii Slovace este organul suprem de gestionare a crizelor din Republica Slovacă. Este un organism consultativ al Guvernului Republicii Slovace și participă la crearea și punerea în aplicare a sistemului de securitate al Republicii Slovace.

Consiliul de securitate este un organism permanent consultativ, de inițiativă și de Coordonare al Guvernului Republicii Slovace. Acesta asigură respectarea obligațiilor internaționale de securitate, evaluează situația securității în Republica Slovacă și în lume. Consiliul pregătește propuneri de măsuri pentru ca guvernul să mențină securitatea Republicii Slovace, să prevină situațiile de criză și să rezolve situațiile de criză existente. În cazul în care guvernul nu poate funcționa în timpul stărilor de criză, în timpul Războiului, al stării de război sau al stării de urgență, Consiliul de securitate al Republicii Slovace își exercită competențele constituționale în măsura definită de lege.

Consiliul de securitate este însărcinat cu responsabilitățile în timp de pace, precum și în timpul războiului, a stării de război sau a stării de urgență. În timpul războiului și al stării de război, acest organism îndeplinește sarcinile la principalul site de gestionare a apărării al statului. Prin urmare, este important să cunoaștem principalele sale sarcini, structura și, în special, departamentele de experți care pregătesc materiale de bază pentru Guvernul Republicii Slovace.

Cuvinte cheie: Managementul Crizelor, Consiliul de securitate, răspunde la situații de criză.

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РЕЗЮМЕ:

СОВЕТ БЕЗОПАСНОСТИ СЛОВАЦКОЙ РЕСПУБЛИКИ – ВЫСШИЙ ОРГАН ПО УПРАВЛЕНИЮ КРИЗИСНЫМИ СИТУАЦИЯМИ

Нынешняя крайне напряженная международная ситуация, а также ряд внутривнутриполитических проблем подчеркивают важность антикризисного управления и его значимость для Словакии. Подготовка к разрешению кризисных ситуаций приобретает все большее значение. Способность реагировать на кризисные ситуации, которые могут усугубиться в результате дальнейшего развития международной обстановки, распространения локальных конфликтов, а также уроков, извлеченных из внутривнутриполитических кризисов, таких как кризис с беженцами или борьба с пандемией COVID-19, становятся все более очевидными. Таким образом, антикризисное управление является одной из очень важных областей государственного управления в Словакии. За последние годы оно было опробовано несколько раз, поскольку приходилось решать серьезные кризисные ситуации как на внутренней, так и на международной арене. В частности, пандемия COVID-19, а также война на Украине и связанный с ней кризис с беженцами проверили его функциональность.

Эти кризисные ситуации выявили его сильные и слабые стороны. В настоящее время перед правительством Словацкой Республики, отдельными министерствами и особенно перед Министерством внутренних дел Словацкой Республики, которое в первую очередь отвечает за антикризисное управление, стоит серьезная задача: полностью пересмотреть и перестроить основные параметры антикризисного управления. Решающая роль в управлении кризисными ситуациями принадлежит органам государственного управления. Совет безопасности Словацкой Республики является высшим органом управления кризисными ситуациями в Словацкой Республике. Он является консультативным органом при правительстве Словацкой Республики и участвует в создании и внедрении системы безопасности Словацкой Республики.

Совет Безопасности является постоянно действующим консультативным, инициативным и координирующим органом правительства Словацкой Республики. Он обеспечивает соблюдение международных обязательств в области безопасности, оценивает ситуацию с безопасностью в Словацкой Республике и в мире. Совет готовит для правительства предложения о мерах по поддержанию безопасности Словацкой Республики, предотвращению кризисных ситуаций и разрешению существующих кризисных ситуаций. В случае, если правительство не может функционировать во время кризисных ситуаций, во время войны, военного или чрезвычайного положения, Совет Безопасности Словацкой Республики осуществляет свои конституционные полномочия в объеме, определенном законом.

На Совет Безопасности возложены обязанности в мирное время, а также во время войны, военного или чрезвычайного положения. Во время войны и военного положения в стране этот орган выполняет задачи главного органа управления обороной государства. Поэтому важно знать его основные задачи, структуру и особенно экспертные подразделения, которые готовят справочные материалы для правительства Словацкой Республики.

Ключевые слова: Антикризисное управление, Совет Безопасности, реагирование на кризисные ситуации.

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Introduction

Crisis management is one of the most important areas of public administration in Slovakia.¹ In recent years, it has passed a challenging test, as serious crisis situations had to be addressed on both the domestic and international scene. Especially the COVID-19 pandemic, as well as instability in the Middle East, the war in Ukraine, and the associated refugee crisis, have verified its functionality. In particular, the weak points and potential failures that were experienced in the past require extensive changes. Currently, the Government of the Slovak Republic and its individual ministries face the serious task of re-defining the basic parameters of crisis management. The decisive role in crisis management falls to the Ministry of Interior of the Slovak Republic, which is primarily responsible for the area of crisis management. One positive aspect is that the functioning of crisis management is centrally organized and operates on a hierarchical principle. This system works from the Government of the Slovak Republic, through the Ministry of Interior, other sectoral ministries, and continues down at the regional level. This principle allows operational and clear decision-making which, with good coordination among the various components of crisis management, can lead to a quick and correct solution to crisis situations without significant damage or threats to the property and lives of citizens.²

Security Councils of the Slovak Republic

The highest crisis management body is the Security Council of the Slovak Republic. This council serves as an advisory body to the government and plays a key role in creating and implementing security system of the Slovak Republic.³ In addition to the Security Council, crisis staffs hold a significant position in the crisis management process. At the central level, these staffs are established by ministries and other central state administration bodies. Within this structure, the Central Crisis Staff, which operates under the Ministry of Interior, holds a special status.⁴ The Security Council of the Slovak Republic is the country's highest authority for crisis management. This council serves as a proactive, permanent and coordinating advisory body to the Government of the Slovak Republic.⁵ The council is involved in creating and implementing the security system of the Slovak Republic⁶ and ensures compliance with international security obligations, evaluates the security situation both within Slovakia and globally, and prepares proposals for the government on measures to maintain security, prevent crisis situations, and resolve existing ones.⁷ In the event that the government is unable to function during states of crisis such as war, a state of war, or a state of emergency, the Security Council of the Slovak Republic exercises the

¹ The submitted study, presented at a scientific conference, is based on adapted materials published in the university textbook Karol Janas. *Bezpečnostné rady Slovenskej republiky – dokumenty*. (Trenčín, Trenčianska univerzita Alexandra Dubčeka v Trenčíne, 2024).

² For more on the organization of state administration, see Zuzana Berčíková –Peter Berčík –Jozef Băčik –Miloslav Kiš, *Organizácia a výkon štátnej správy s Slovenskej republiky*. (Bratislava: Municipalia, 2008).

³ Security Strategy of the Slovak Republic. Bratislava: Národná rada Slovenskej republiky, 2021; Obranná stratégia Slovenskej republiky, Bratislava: Národná rada Slovenskej republiky, 2021.

⁴ Statute of the Central Crisis Staff. Resolution of the Government of the Slovak Republic No. 127/2019.

⁵ Statute of the Security Council of the Slovak Republic. Approved at the 112th session of the Government of the Slovak Republic on December 8, 2004, Resolution No. 1177/2004, with changes and amendments approved at the 191st session of the Government of the Slovak Republic on December 16, 2015, Resolution No. 702/2015, as amended by changes and amendments approved at the 4th session of the Government of the Slovak Republic on June 7, 2023, Resolution No. 279.

⁶ Security Strategy of the Slovak Republic. Bratislava: National Council of the Slovak Republic, 2021; Defense Strategy of the Slovak Republic, Bratislava: National Council of the Slovak Republic, 2021.

⁷ Statute of the Security Council of the Slovak Republic. Approved at the 112th session of the Government of the Slovak Republic on December 8, 2004, Resolution No. 1177/2004, with changes and amendments approved at the 191st session of the Government of the Slovak Republic on December 16, 2015, Resolution No. 702/2015, as amended by changes and amendments approved at the 4th session of the Government of the Slovak Republic on June 7, 2023, Resolution No. 279.

government's constitutional powers within the scope defined by law.¹ The State Security Council performs its duties both in peacetime and in times of crisis.² During a state of war, its duties are carried out at the main location for state defense management.³

The Security Council of the State is convened by its chairman, who is the Prime Minister of the Slovak Republic. In the chairman's absence, a meeting of the council is convened by the deputy chairman, with the chairman's prior consent. Meetings of the security council are chaired by its chairman, following an approved work plan. In their absence, the deputy chairman presides over the meeting. For urgent issues within the council's competence and based on reasoned proposals from its members, the chairman may convene an extraordinary meeting. The President of the Slovak Republic also has the right to propose a meeting of the council and to participate in its sessions. President can request information from the Security Council and its members and discuss issues with them within the scope of valid legislation. Regarding specific agenda items, and at the proposer's request and with the chairman's consent, individuals who prepared or contributed to the material may participate in the discussion. Other people who can contribute to a proper assessment of the matters under discussion may also be invited.⁴ Materials are to be submitted and drafted in a specified format.⁵ The meetings are also attended by the council's secretary and the staff of the Security Council Office, who process the audio and subsequent written record of the meeting.⁶ The Security Council generally decides on matters through a resolution, the final wording of which is formulated by the chairman. The consent of an absolute majority of all its members is required for a resolution or other decision to be adopted. The resolution is prepared in both written and electronic form. If a matter is not particularly serious or complex, the chairman may ask members to decide on a proposed resolution even outside of a meeting (by a *per rollam procedure*).⁷ Per rollam decisions are not permitted when the council is exercising the constitutional powers of the Government of the Slovak Republic during a state of war or an emergency.⁸

The Security Council establishes committees to fulfill its needs and tasks. Upon the deputy chairman's proposal and after review by the Security Council, these committees are approved by the Government of the Slovak Republic.⁹ For a long time, the standing working bodies within the security council were the Committee for Foreign Policy, the Committee for Defense Planning, the Committee for Civil Emergency Planning, and the Committee for the Coordination of Intelligence Services. Following the most recent legislative changes, the Committee for Energy Security, the Committee for Cybersecurity, and the Committee for Hybrid Threats have been added in response

¹ Ján KÚTIK, *Organizácia a krízový manažment verejnej správy*. (Trenčín, Trenčianska univerzita Alexandra Dubčeka v Trenčíne, Fakulta sociálno-ekonomických vzťahov, 2006).

² Act of the National Council of the Slovak Republic No. 110/2004 Coll. on the Functioning of the Security Council of the Slovak Republic in Peacetime, § 2; Constitutional Act of the National Council of the Slovak Republic No. 227/2002 Coll. on State Security in a Time of War, State of War, State of Emergency, and State of Crisis as amended by later regulations, Art. 8, para. 3.

³ Act of the National Council of the Slovak Republic No. 319/2002 Coll. on the Defense of the Slovak Republic as amended by later regulations, § 2, para. 4.

⁴ Rules of Procedure of the Security Council of the Slovak Republic. Approved by Security Council of the Slovak Republic Resolution No. 536/2017 of 5 April 2017.

⁵ Methodology for Drafting the Report on the Security of the Slovak Republic. Approved by Security Council of the Slovak Republic Resolution No. 814 of 1 March 2023.

⁶ Act of the National Council of the Slovak Republic No. 215/2004 Coll. on the Protection of Classified Information and Amendments to Certain Acts, and the Regulation of the National Security Authority No. 338/2004 Coll. on administrative security.

⁷ Rules of Procedure of the Security Council of the Slovak Republic. Approved by Security Council of the Slovak Republic Resolution No. 536/2017 of 5 April 2017, Art. 5.

⁸ Constitutional Act of the National Council of the Slovak Republic No. 227/2002 Coll. on the security of the state during a time of war, a state of war, a state of emergency, and a state of crisis, as amended by Act of the National Council of the Slovak Republic No. 113/2004 Coll., Art. 8, para 3.

⁹ Rules of Procedure of the Security Council of the Slovak Republic. Approved by Security Council of the Slovak Republic Resolution No. 536/2017 of 5 April 2017.

to new security threats.¹ These committees are guided by their own rules of procedure, which are approved by the Government of the Slovak Republic after being reviewed by the Security Council. If necessary, the Security Council can establish or dissolve expert working groups, usually upon the proposal of one of its members. These groups are typically led by a member of the Security Council and their head is approved by the chairman of the council. Upon the request of the chairman or deputy chairman of the Security Council, ministers and heads of other central state administration bodies and other state bodies send their employees to these expert working groups. These groups are responsible for preparing materials for the Security Council's meetings.²

When creating and implementing the security system of the Slovak Republic, the Security Council cooperates closely with the Committee for Defense and Security of the National Council of the Slovak Republic, as well as with ministries, other central state administration bodies, and other state authorities. For its work, the Security Council utilizes knowledge, analyses, and information from ministries, other central state administration bodies, other state administration bodies, local state administration, and higher territorial units. The Security Council may also invite other experts to its meetings as needed. The Office of the Security Council of the Slovak Republic plays a special role in supporting the council's activities. It is headed by a director, who also serves as the secretary of the Security Council. Their duties are determined by the council's rules of procedure.³ The number of employees of the Security Council Office is determined by the Government of the Slovak Republic, based on the chairman's proposal. The office is part of the organizational structure of the Office of the Government of the Slovak Republic and ensures the fulfillment of coordinating, expert, and consultative tasks in the area of the security of the Slovak Republic. In preparing positions and proposed measures for the chairman and deputy chairman of the Security Council, the office relies on the expert knowledge and experience of ministries and other state administration bodies, as well as the expert opinions of universities, research institutions, and other institutions.⁴ Among its main tasks is the coordination of planning, preparatory, and implementation measures for the security of the Slovak Republic during the creation and implementation of the national security system. It assesses proposals for these measures and submits its position on them to the chairman and deputy chairman of the Security Council. In cooperation with ministries and other state administration bodies, it participates in the drafting of the report on the security of the Slovak Republic, should the Security Council decide to submit one. It also participates in the drafting inter-ministerial conceptual documents aimed at preserving the security of the Slovak Republic, which are submitted to the Government for discussion.⁵

The Security Council Office also participates in the assessment of proposed generally binding legal regulations and international treaties that relate to the security and defense of the state. It submits its positions on these to the chairman and deputy chairman of the Security Council. The office also fulfills important tasks in implementing international security obligations. In this area,

¹ Act of the National Council of the Slovak Republic No. 110/2004 Coll. on the functioning of the Security Council of the Slovak Republic in peacetime, Sections 7, 8, 9, 10, 10a, 10b, 10c, and 11.

² Statute of the Security Council of the Slovak Republic. Approved at the 112th session of the Government of the Slovak Republic on December 8, 2004, Resolution No. 1177/2004, with changes and amendments approved at the 191st session of the Government of the Slovak Republic on December 16, 2015, Resolution No. 702/2015, as amended by changes and amendments approved at the 4th session of the Government of the Slovak Republic on June 7, 2023, Resolution No. 279.

³ Act of the National Council of the Slovak Republic No. 312/2001 Coll. on State Service and on the Amendment and Supplementation of Certain Laws, as amended.

⁴ Statute of the Security Council of the Slovak Republic. Approved at the 112th session of the Government of the Slovak Republic on December 8, 2004, Resolution No. 1177/2004, with changes and amendments approved at the 191st session of the Government of the Slovak Republic on December 16, 2015, Resolution No. 702/2015, as amended by changes and amendments approved at the 4th session of the Government of the Slovak Republic on June 7, 2023, Resolution No. 279.

⁵ Constitutional Act of the National Council of the Slovak Republic No. 227/2002 Coll. on the security of the state during a time of war, a state of war, a state of emergency, and a state of crisis, as amended by Act of the National Council of the Slovak Republic No. 113/2004 Coll.

it assesses proposals related to fulfilling the Slovak Republic's international commitments. It also evaluates proposals concerning the Slovak Republic's participation in activities aimed at saving lives, protecting health, and safeguarding property outside of its territory. In cooperation with ministries and other state administration bodies, the office evaluates the security situation in the Slovak Republic and globally, with a particular focus on risks to state security that could lead to a crisis. It submits its positions and proposals for measures to reduce or eliminate these risks to the chairman and deputy chairman of the Security Council. Tasks related to this activity are handled by the Permanent Situational Center for Monitoring the Security Environment in the Slovak Republic and Globally, which is part of the office's organizational structure.¹ In its activities, the office also cooperates with the Secretariat of the Central Crisis Staff and with the Security Councils of the Regions.² It assesses proposals for measures to maintain regional security and prevent a crisis, which are submitted to the Security Council by the regional security council.³ In case a Security Council meeting is needed, the office ensures the notification of its members, the members of the Security Council Committee for the Coordination of Intelligence Services, and the office staff. It also ensures the protection of classified information during the Security Council's activities, in accordance with the provisions of a special regulation.⁴

The Situational Center of the Slovak Republic, whose last statute was approved by the government on October 17, 2018, holds a special position within the Security Council Office of the Slovak Republic. It functions as a government information and analytical center with a nationwide scope. Its primary task is to evaluate changes in the security environment, and it does so in cooperation with foreign partners. The center gathers and assesses information that impacts the security environment in Slovakia and globally at a strategic level. Based on this information, it prepares analytical products for the highest state officials and relevant state bodies. It also provides pertinent information to cooperating organizations and bodies. The most important task of the Situational Center is the comprehensive and continuous evaluation of information about security incidents and events. It obtains this information from state bodies, legal entities under state establishing or founding authority, and from cooperating bodies in other countries. This is accomplished by monitoring the security situation, processing information, and producing its own analytical materials. Based on its unclassified outputs, the Situational Center provides information to the public. It also serves as the national point of contact for hybrid threats.⁵

The Situational Center of the Slovak Republic is headed by a director and the center itself has two parts: analytical and organizational. All employees of the Situational Center must have authorization to handle classified information at the SECRET level, including NATO and European Union classified information at the SECRET level. The Director of the Situational Center of the Slovak Republic is accountable for their work to the Director of the Security Council Office of the Slovak Republic. They are responsible for preparing an annual plan, which is approved by the Director of the Security Council Office. The Director of the Situational Center also decides on the preparation of extraordinary reports and is responsible for their content and

¹ Statute of the Security Council of the Slovak Republic. Approved at the 112th meeting of the Government of the Slovak Republic on December 8, 2004, by Resolution No. 1177/2004, with amendments and supplements approved at the 191st meeting of the Government of the Slovak Republic on December 16, 2015, by Resolution No. 702/2015, as further amended and supplemented at the 4th meeting of the Government of the Slovak Republic on June 7, 2023, by Resolution No. 279/2023. Statutes of the Situational Center of the Slovak Republic. Approved by Resolution of the Government of the Slovak Republic No. 88 of February 14, 2024.

² Act of the National Council of the Slovak Republic No. 387/2002 Coll. on the Control of State in Crisis situations Outside Wartime and State of War, as amended by Act of the National Council of the Slovak Republic No. 515/2003 Coll.

³ Constitutional Act of the National Council of the Slovak Republic No. 227/2002 Coll. on State Security at the Time of War, State of war, State of Emergency, and State of Crisis, as amended by Act of the National Council of the Slovak Republic No. 113/2004 Coll.

⁴ Act of the National Council of the Slovak Republic No. 215/2004 Coll. on the Protection of Classified Information and on Amendment to Certain Acts.

⁵ Statute of the Situational Center of the Slovak Republic. Approved by Resolution of the Government of the Slovak Republic No. 88 of February 14, 2024.

formal aspects. They must have authorization to handle classified information at the TOP SECRET level, and this same authorization is required for NATO and European Union documents.¹

Crisis management also plays a vital and indispensable role at the level of district offices in regional seats and in districts.² The most important body for crisis management in every district is the District Security Council.³ These are crisis management bodies for legally defined crisis situations. Security councils are established in every district. However, at the district offices located in the regional seats, they establish Regional Security Councils, not District Security Councils. Security councils in districts located in regional seats have a dual function. They have competencies and exercise powers not only at the regional level but also address tasks to the same extent as Security Councils at the district level. Since they also exercise powers at the entire-regional level, they become de facto superior to the Security Councils established in other district offices in certain legally specified cases. Regional Security Councils assume management competencies, especially in cases where a crisis situation affects more than one district. The chairmen of the regional security councils are the heads of the district offices in the regional cities. The deputy chairmen are the deputies of the heads of the district offices. The members include the directors of the District Directorates of the Fire and Rescue Corps, the directors of the District Directorates of the Police Corps, representatives of the Armed Forces of the Slovak Republic, and employees of the district offices.⁴ The Regional Security Council establishes a Secretariat for the Security Council. The head of the Regional Security Council Secretariat is the head of the Department of Crisis Planning and Economic Mobilization at the district office located in the regional seat. His role is to ensure the organizational operation of the security council.⁵ The Regional Security Council is accountable to the Government of the Slovak Republic for the performance of its duties.⁶ In the event that the constitutional powers of the government are exercised by the Security Council of the Slovak Republic, the regional security council is accountable to the Security Council of the Slovak Republic for the performance of its duties.⁷

In addition to the district offices in regional seats, other district offices also play a very important role in the field of crisis management. It is these district offices that provide the initial actions to maintain public safety and are the first to take measures to save lives and property.⁸ At their level, basic commissions are established to ensure civil protection.⁹ These bodies include the District Security Council, the District Evacuation Commission, and, in the event of floods, the District Flood Commission. The highest crisis management body at the regional level is the District Security Council. The District Security Council is a collective body. Its chairman is the head of the district office, and the deputy chairman of the security council is the deputy head of the district office. The head of the district office directs the activities of the security council.¹⁰ In the

¹ Statute of the Situational Center of the Slovak Republic. Approved by Resolution of the Government of the Slovak Republic No. 88 of February 14, 2024.

² Zuzana BERČÍKOVÁ – Peter BERČÍK – Jozef BÚŠIK – Miloslav KIŠ, (Organizácia a výkon štátnej správy s Slovenskej republiky. Bratislava: Municipalia, 2008), 49 – 50.

³ Karol JANAS – Rudolf KUCHARČÍK, Crisis management in the Slovak Republic at a higher regional level. In: Proceedings of the International Conference on Law and Political Science. Volume 1. (Delhi, Taipei City: National Law University Delhi: International Business Academics Consortium, 2014), 372 – 380.

⁴ Rules of Procedure of the Regional Security Council. Approved by Resolution of the Government of the Slovak Republic No. 152/2017 of April 5, 2017.

⁵ Crisis Plan of the District Office Trenčín. Trenčín: District Office, 2012.

⁶ Resolution of the Government of the Slovak Republic No. 1177/2004.

⁷ Constitutional Act of the National Council of the Slovak Republic No. 227/2002 Coll. on State Security at the Time of War, State of War, State of Emergency, and State of Crisis, as amended by Constitutional Act of the National Council of the Slovak Republic No. 113/2004 Coll., Art. 9.

⁸ Karol JANAS – Marián BUŠŠA, Tasks of Crisis Headquarters on local level. In: University Review. Vol. 7, 2013, n. 1, (Trenčín, Trenčianska univerzita A. Dubčeka, 2013), 15-19.

⁹ Act of the National Council of the Slovak Republic No. 335/2007 Coll., Amending and Supplementing Certain Laws in Connection with the Abolishment of Regional Offices.

¹⁰ Constitutional Act of the National Council of the Slovak Republic No. 227/2002 Coll. on State Security at the Time of War, State of War, State of Emergency, and State of Crisis, as amended.

event of his absence, his authority is transferred to the deputy. The members of the district security council are the director of the District Directorate of the Fire and Rescue Corps, the director of the District Department of the Police Force, and the commander of the Military Unit whose area of operation covers the district. The security council establishes a secretariat, which is usually headed by an employee from the civil protection and crisis management department of the relevant district office. Membership in the security council is non-substitutable, and members have a legal obligation to attend its meetings, make decisions, and be responsible for their implementation in their respective areas.¹

Conclusion

Crisis management in Slovakia is a very important part of the civil protection of the population. In the Slovak Republic, the system for handling crisis situations is managed centrally and hierarchically. Thanks to this, crisis management in the Slovak Republic has a solid organizational framework and is prepared to deal with emergencies. State administration bodies have a sophisticated methodology for managing emergencies, and specific annual cases prove that they can handle them effectively in practice. Despite several, not always the most successful, state administration reforms in recent years, the crisis management system has been maintained in an unchanged and functional form. This is a good sign for the future, which may see an increase in crisis and extraordinary events, especially at the regional level. In the event of an emergency, the functioning of the individual components of the civil protection system in Slovakia is extremely important. Today, state administration at all levels is clearly structured hierarchically. The possibility of dual management has been eliminated, and the mutual hierarchy of the individual offices is clear.

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¹ Act of the National Council of the Slovak Republic No. 387/2002 Coll. on the Control of State in Crisis situations Outside Wartime and State of War, as amended by Act of the National Council of the Slovak Republic No. 515/2003 Coll.

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**ȘTIINȚE POLITICE
POLITICAL SCIENCE
ПОЛИТИЧЕСКИЕ НАУКИ**

THE STRATEGIC POSITION OF CHILE IN LATIN AMERICA

POZIȚIA STRATEGICĂ A CHILE ÎN AMERICA LATINA

СТРАТЕГИЧЕСКОЕ ПОЛОЖЕНИЕ ЧИЛИ В ЛАТИНСКОЙ АМЕРИКЕ

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ABSTRACT:

THE STRATEGIC POSITION OF CHILE IN LATIN AMERICA

Chile, a narrow and elongated country on the southwestern edge of South America, holds a prominent position in Latin America due to its unique geographical location, abundant natural resources, and open economic policies. With over 4,300 kilometers of coastline along the Pacific Ocean, Chile enjoys exceptional access to Asian and Oceanic markets, serving as a gateway for international trade in the region. Its extensive coastline and strong maritime connectivity have positioned Chile as a critical hub for the transportation of goods and the expansion of regional and trans-regional trade.

Economically, Chile is the world's largest producer of copper, a resource that secures its vital role in global markets. Copper exports, along with other mineral resources particularly to Asian countries constitute the backbone of the Chilean economy. Membership in trade agreements such as the Pacific Alliance and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) has enabled Chile to play a central role in regional and international free trade. Chile's economic policies focus on free trade, foreign investment, and economic stability, making it one of Latin America's most successful economies.

From a geopolitical perspective, Chile's position in the Pacific region allows it to act as a bridge between Latin America and Asia. Additionally, Chile is an active member of regional institutions such as the Union of South American Nations (UNASUR) and the Pacific Alliance, which aim to strengthen economic integration and regional cooperation. Stable relationships with the United States and the European Union further underscore Chile's geopolitical significance. In the energy sector, Chile is recognized as a regional leader in renewable energy. Extensive solar and wind energy resources, particularly in the Atacama Desert, have positioned the country as a key player in the transition to clean energy.

The development of sustainable energy sources has not only reduced dependence on fossil fuels but also played a critical role in fostering sustainable regional development. However, internal challenges such as economic inequality, social tensions, and reliance on raw material exports remain major obstacles to Chile's efforts to solidify its strategic position. Recent protests highlight the need for structural reforms to maintain political and economic stability. In conclusion, Chile's strategic position in Latin America stems from its advantageous geographical location, successful economic policies, and active participation in regional and trans-regional cooperation. Nevertheless, its long-term success depends on its ability to address domestic challenges and strengthen regional and global ties.

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РЕЗУМАТ:

ПОЗИȚIA STRATEGICĂ A CHILE ÎN AMERICA LATINA

Chile, o țară îngustă și alungită de la marginea de sud-vest a Americii de Sud, deține o poziție proeminentă în America Latină datorită locației sale geografice unice, resurselor naturale abundente și politicilor economice deschise. Cu peste 4.300 de kilometri de coastă de-a lungul Oceanului Pacific, Chile se bucură de acces excepțional la piețele asiatice și oceanice, servind drept poartă pentru comerțul internațional în regiune. Linia de coastă extinsă și conectivitatea maritimă puternică au poziționat Chile ca un centru critic pentru transportul de mărfuri și extinderea comerțului regional și transregional.

Din punct de vedere economic, Chile este cel mai mare producător de cupru din lume, o resursă care își asigură rolul vital pe piețele globale. Exporturile de cupru, împreună cu alte resurse minerale, în special către țările asiatice, constituie coloana vertebrală a economiei chiliane. Aderarea la acorduri comerciale precum Alianța Pacificului și Acordul cuprinzător și progresiv pentru parteneriatul transpacific (CPTPP) a permis Chile să joace un rol central în comerțul liber regional și internațional. Politicile economice ale Chile se concentrează pe comerțul liber, investițiile străine și stabilitatea economică, ceea ce o face una dintre cele mai de succes economii din America Latină.

Din punct de vedere geopolitic, poziția Chile în regiunea Pacificului îi permite să acționeze ca o punte între America Latină și Asia. În plus, Chile este un membru activ al instituțiilor regionale precum Uniunea Națiunilor din America de Sud (UNASUR) și Alianța Pacificului, care urmăresc să consolideze integrarea economică și cooperarea regională. Relațiile stabile cu Statele Unite și Uniunea Europeană subliniază și mai mult importanța geopolitică a Chile. În sectorul energetic, Chile este recunoscut ca lider regional în domeniul energiei regenerabile. Resursele extinse de energie solară și eoliană, în special în deșertul Atacama, au poziționat țara ca un jucător cheie în tranziția către energie curată.

Dezvoltarea surselor de energie durabilă nu numai că a redus dependența de combustibilii fosili, dar a jucat și un rol esențial în promovarea dezvoltării regionale durabile. Cu toate acestea, provocările interne precum inegalitatea economică, tensiunile sociale și dependența de exporturile de materii prime rămân obstacole majore în calea eforturilor Chile de a-și consolida poziția strategică. Protestele recente evidențiază necesitatea reformelor structurale pentru a menține stabilitatea politică și economică. În concluzie, poziția strategică a Chile în America Latină provine din locația sa geografică avantajoasă, politicile economice de succes și participarea activă la cooperarea regională și transregională. Cu toate acestea, succesul său pe termen lung depinde de capacitatea sa de a aborda provocările interne și de a consolida legăturile regionale și globale.

Cuvinte cheie: Localizare geografică, Chile, America Latină, geopolitică, inegalitate economică, dezvoltare durabilă.

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РЕЗЮМЕ:

СТРАТЕГИЧЕСКОЕ ПОЛОЖЕНИЕ ЧИЛИ В ЛАТИНСКОЙ АМЕРИКЕ

Чили, узкая и вытянутая страна на юго-западной окраине Южной Америки, занимает видное положение в Латинской Америке благодаря своему уникальному географическому положению, богатым природным ресурсам и открытой экономической политике. Имея более чем 4300 километров береговой линии вдоль Тихого океана, Чили имеет исключительный доступ к рынкам Азии и Океании, служа воротами для международной торговли в регионе. Обширная береговая линия и развитое морское сообщение сделали Чили важным центром транспортировки товаров и расширения региональной и трансрегиональной торговли.

В экономическом отношении Чили является крупнейшим в мире производителем меди, ресурса, который обеспечивает ей жизненно важную роль на мировых рынках. Экспорт меди, наряду с

другими минеральными ресурсами, особенно в азиатские страны, составляет основу чилийской экономики. Членство в торговых соглашениях, таких как Тихоокеанский альянс и Всеобъемлющее и прогрессивное соглашение о Транстихоокеанском партнерстве (ВПТП), позволило Чили играть центральную роль в региональной и международной свободной торговле. Экономическая политика Чили сосредоточена на свободной торговле, иностранных инвестициях и экономической стабильности, что делает ее одной из самых успешных экономик Латинской Америки.

С геополитической точки зрения положение Чили в Тихоокеанском регионе позволяет ей выступать в качестве моста между Латинской Америкой и Азией. Кроме того, Чили является активным членом региональных институтов, таких как Союз южноамериканских наций (УНАСУР) и Тихоокеанский альянс, целью которых является укрепление экономической интеграции и регионального сотрудничества. Стабильные отношения с Соединенными Штатами и Европейским Союзом еще больше подчеркивают геополитическое значение Чили. В энергетическом секторе Чили признан региональным лидером в области возобновляемых источников энергии. Обширные ресурсы солнечной и ветровой энергии, особенно в пустыне Атакама, сделали страну ключевым игроком в переходе к экологически чистой энергии.

Развитие устойчивых источников энергии не только снизило зависимость от ископаемого топлива, но и сыграло решающую роль в содействии устойчивому региональному развитию. Однако внутренние проблемы, такие как экономическое неравенство, социальная напряженность и зависимость от экспорта сырья, остаются основными препятствиями на пути усилий Чили по укреплению своего стратегического положения. Недавние протесты подчеркивают необходимость структурных реформ для поддержания политической и экономической стабильности. В заключение отметим, что стратегическое положение Чили в Латинской Америке обусловлено ее выгодным географическим положением, успешной экономической политикой и активным участием в региональном и трансрегиональном сотрудничестве. Тем не менее, ее долгосрочный успех зависит от ее способности решать внутренние проблемы и укреплять региональные и глобальные связи.

Ключевые слова: Географическое положение, Чили, Латинская Америка, геополитика, экономическое неравенство, устойчивое развитие.

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1.Introduction:

Chile, a narrow and elongated country located in the southwestern part of South America, stands out as a key player in Latin America due to its unique geographical location, abundant natural resources, and open economic policies. Bordered by the Pacific Ocean along its entire western flank, Chile's geographical position facilitates connections between Latin America and other regions, particularly Asia and Oceania (Smith, 2020). This geographic importance is amplified by Chile's extensive coastline, which stretches over 4,300 kilometers, making it one of the longest in the world (Jones & White, 2019). Economically, Chile holds a pivotal role in global markets. As the world's largest producer of copper, it contributes over 28% of the global supply of this essential metal, granting it a distinctive economic standing (Cochilco, 2021). Chile's economy is heavily reliant on the export of mineral resources, particularly copper, and it maintains robust trade relations with Asia, Europe, and the United States (OECD, 2022). Furthermore, its policies centered on free trade, such as membership in the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) and the Pacific Alliance, have enabled Chile to actively participate in both regional and international economic integration (Garcia & Torres, 2020). Geopolitically, Chile is a leading nation in the Pacific region of Latin America. Its strong ties to Asian markets and its role in fostering regional cooperation through organizations such as the Pacific Alliance and the Union of South American Nations (UNASUR) have earned Chile recognition as a bridge between Latin America and Asia (Martinez, 2018). Stable diplomatic relationships with powerful countries such as the United States and the European Union further enhance Chile's strategic significance (Brown, 2021). Another critical aspect of Chile's regional role is its achievements in the energy sector. By harnessing its abundant renewable energy resources, particularly solar and wind power, Chile has emerged as a regional leader in the

transition to clean energy. The Atacama Desert, for example, is one of the world's richest sources of solar energy, hosting major projects for the development of renewable energy (IEA, 2020). These advancements not only reduce Chile's dependence on fossil fuels but also position the country as a model for sustainable development in the region (Smith, 2020). Nevertheless, Chile faces significant internal challenges, including economic inequality, social unrest, and overdependence on raw material exports (World Bank, 2021). These issues underscore the need for structural reforms and a focused effort to reduce social and economic disparities to strengthen Chile's strategic position (Brown & Lopez, 2022).

2. Research Methodology

This study employs a descriptive-analytical research method, utilizing secondary data, including scholarly articles, reports from international organizations, and geopolitical analyses, to examine Chile's strategic position in Latin America. The sources are qualitatively analyzed, and the interconnections between geographical, economic, and political factors are evaluated.

3. Theoretical Framework

Examining the strategic position of Chile in Latin America necessitates the application of theories and conceptual frameworks from political geography, geopolitics, international political economy, and sustainable development. This section explores the theoretical foundations related to strategic geography, regional integration, natural resources, and renewable energy.

3.1 Strategic Geography Theory

Strategic geography theory analyzes the role of a country's geographic location in achieving national interests and attaining regional or global power (Flint, 2017). For Chile, its unique geographic location along the western edge of South America and its extensive Pacific Ocean coastline grants it a significant strategic advantage. Chile acts as a geographical bridge between Latin America and the markets of Asia-Pacific, playing a crucial role in international trade (Smith, 2020). Moreover, its proximity to resource-rich regions, such as the Atacama Desert, and access to strategic maritime routes amplify Chile's geographical importance in fostering regional and interregional cooperation (Jones & White, 2019). Strategic geography theory underscores the importance of these factors in a nation's economic and geopolitical empowerment.

3.2 Regional Integration Theory

According to regional integration theory, economic and political cooperation among countries within a region can strengthen security, economic growth, and the region's strategic position in the global system (Keohane & Nye, 2001). Chile, as a key member of the Pacific Alliance, plays a pivotal role in creating a stronger regional market. This alliance, comprising Chile, Colombia, Mexico, and Peru, focuses on enhancing free trade, investment, and economic integration along the Pacific Rim (Martinez, 2018). This theory also highlights that countries can reduce dependency on specific actors and avoid geopolitical tensions through multilateral relations. Chile's engagement with institutions such as UNASUR and CPTPP illustrates its utilization of regional integration to bolster its strategic position (Garcia & Torres, 2020).

3.3 International Political Economy Theory

The theory of international political economy emphasizes the interaction between economic and political factors in shaping a country's position in the global order. Through its commitment to free trade and foreign investment policies, Chile has emerged as one of the region's most successful economies (OECD, 2022). The country's production and export of copper, which accounts for over 28% of global supply, have solidified its unique economic standing (Cochilco, 2021). Furthermore, this theory explains how countries sustain economic dynamism by diversifying trade partnerships and enhancing exports. Chile's signing of more than 50 free trade agreements, including with the European Union, the United States, and China, underscores its role as a dynamic economic player on the global stage (Brown & Lopez, 2022).

3.4 Natural Resources and Sustainable Development Theory

This theory emphasizes the effective and responsible utilization of natural resources to achieve sustainable economic and social development (Auty, 2001). With vast mineral resources, particularly copper and lithium, Chile plays a critical role in meeting global industrial and

technological needs. Sustainable exploitation of these resources and investments in related industries have strengthened Chile's strategic position in the global economy (IEA, 2020). Additionally, Chile's progress in renewable energy, especially solar and wind energy, exemplifies the practical application of this theory. Large-scale solar projects in the Atacama Desert have reduced the country's dependence on fossil fuels, positioning it as a model for other countries in the region (Smith, 2020).

3.5 Energy Geopolitics Theory

The energy geopolitics theory highlights the role of energy resources in determining a country's geopolitical standing (Yergin, 2006). Chile's development of renewable energy resources and reduced dependence on energy imports have enhanced its energy security. This has not only minimized the country's vulnerability to global energy market fluctuations but also reinforced its leadership in transitioning to clean energy in Latin America (Brown, 2021). Furthermore, Chile's investments in the production and export of clean energy have created a new high-value industry that could play a crucial role in the country's economic future (IEA, 2020).

Domestic Challenges and Development Theory
This theory emphasizes that economic inequality, social unrest, and structural problems can hinder a country's strategic potential (World Bank, 2021). In Chile, economic inequality remains a major challenge, leading to widespread social protests in recent years (Brown & Lopez, 2022). To sustain its strategic position, Chile needs structural reforms in economic and social domains to promote social justice and ensure political stability.

4. Research Findings

This section examines the research findings regarding Chile's strategic position in Latin America. The findings are presented based on four main areas: strategic geography, economic and trade roles, geopolitics and diplomacy, and domestic challenges and future opportunities.

4.1 Chile's Strategic Geography

The strategic position of any country is largely determined by its geographic location. In the case of Chile, this geographical positioning, combined with its unique natural and geopolitical features, plays a crucial role in shaping its standing in Latin America and the international system. Chile's distinctive location along the western edge of South America, well-defined natural borders, and extensive access to the Pacific Ocean afford it significant strategic advantages, which are discussed in detail below.

Geographic Location and Natural Borders Chile, located in the southwestern part of South America, stretches over 4,300 kilometers, making it one of the narrowest countries in the world. It borders Peru to the north, Bolivia and Argentina to the east, and the Pacific Ocean to the west. This geographic position situates Chile along major maritime trade routes, providing access to Asian and North American markets (Smith, 2020). Chile's natural borders also play a vital role in its national security. The Andes Mountains along its eastern border serve as a natural barrier against external threats, while the Pacific Ocean to the west ensures access to marine resources and trade routes. These natural borders contribute to Chile's geographical stability and relative security in a region often marked by border disputes (Jones & White, 2019).

Natural Resources and Geopolitical Importance Chile is renowned for its abundance of natural resources. The Atacama Desert in northern Chile, the driest desert in the world, contains vast reserves of minerals, including copper and lithium. Chile is the world's largest producer of copper, accounting for over 28% of global supply (Cochilco, 2021). The geopolitical importance of these resources extends beyond the domestic economy. Copper, a critical component in electronics and renewable energy infrastructure, plays a pivotal role in the global transition to clean energy. Lithium, essential for rechargeable batteries, is particularly significant in the electric vehicle industry. Thus, Chile's mineral wealth not only bolsters its economy but also enhances its position in the international system (IEA, 2020).

Access to International Trade Routes One of the most prominent aspects of Chile's strategic geography is its access to key maritime trade routes in the Pacific Ocean. The country is part of the trade pathways connecting South America to Asia and Oceania. This is evident in Chile's growing trade relations with major Asian economies such as China, Japan, and South Korea. China, Chile's largest trading partner, benefits significantly from the direct access provided by the Pacific Ocean (Garcia & Torres, 2020). Chile is also a key

member of the Pacific Alliance, an economic bloc that includes Colombia, Peru, and Mexico. This alliance, aimed at fostering economic cooperation along the Pacific Rim, has provided Chile with opportunities to expand its trade relationships with Asia (Martinez, 2018). Strategic Position in Antarctica In addition to its geographic location in South America, Chile's proximity to Antarctica grants it unique geopolitical significance. It is one of the few countries claiming territorial rights in Antarctica and has established multiple scientific bases in the region. Antarctica, with its natural resources and environmental importance, is a strategically vital area. Chile has leveraged its geographic advantage to play an active role in scientific research and international collaboration in the region. This effort not only bolsters Chile's scientific reputation but also strengthens its geopolitical influence in Antarctica (Smith, 2020). Geographic Challenges Despite its numerous geographic advantages, Chile faces challenges as well. Its elongated shape complicates infrastructure management and development. The varying climatic and geographic conditions in northern and southern Chile necessitate region-specific policies, sometimes leading to regional disparities (World Bank, 2021). Moreover, Chile's location along the Pacific Ring of Fire exposes it to frequent earthquakes, posing a constant threat to infrastructure and economic development. However, Chile has mitigated these risks by improving construction standards and disaster management practices, becoming a model for resilience in the region (Brown, 2021).

4.2 Chile's Economic and Trade Role in Latin America and the World

Chile, as one of the key countries in Latin America, occupies a strategic position in terms of its economic and trade activities. With its open and diverse trade policies, the country has transformed into one of the most advanced economies in the region in recent decades. This section analyzes Chile's economic and trade role both regionally and globally, focusing on factors such as foreign trade, natural resources, trade relations with other countries, and participation in international economic organizations.

4.2.1 Chile's Economy: Structure and Characteristics

Chile is one of the most advanced countries in Latin America, experiencing rapid economic growth and maintaining one of the most stable and open economies in the region. The country's economy is primarily based on services, mining, agriculture, and industry. Chile's exports, especially in the fields of mining, agriculture, and fisheries, are of significant importance. The mining sector, particularly copper and lithium production, plays a key role in Chile's economic growth. Chile is the largest copper producer in the world, accounting for over 28% of global copper production. This enables Chile to be recognized as a global mining power. Moreover, with its abundant lithium resources, Chile is becoming one of the main producers of this strategic metal, which is crucial for batteries and renewable energy technologies (Cochilco, 2021). The agricultural sector is also of particular importance. Chile is known as one of Latin America's main producers of fruits and vegetables, particularly grapes, apples, olives, and citrus fruits. The export of these products to various countries, especially the United States, China, and the European Union, is a key factor in the country's economic growth.

4.2.2 Chile's Trade Policies: Free Trade and International Agreements

One of the key features of Chile's economy is its commitment to free trade policies. Over recent decades, the country has adhered to open economic and free trade policies, which has enabled it to become a commercial hub in Latin America. Chile, by signing various trade agreements, particularly with advanced economies, has gained extensive access to global markets. As a member of the Pacific Alliance, which includes Colombia, Mexico, and Peru, Chile plays an important role in promoting free trade in the region. The alliance, established to enhance economic and trade cooperation among regional countries, provides Chile with the opportunity to expand its trade relations with Asian countries (Martinez, 2018). In addition, Chile has multiple trade agreements with China, the United States, and the European Union, facilitating access to the markets of these countries for Chilean products. Chile is also involved in the Trans-Pacific Partnership (TPP), a broader trade agreement in the Asia-Pacific region, which is particularly significant for strengthening trade relations with Asian countries such as China, Japan, and South

Korea. The country aims to strengthen its trade relations not only with Latin American countries but also with Asian and European markets.

4.2.3 Chile's Role in Global Trade: Exports and Imports

Chile's exports are primarily concentrated in raw materials and mineral products. Copper and copper cathodes are the most important export products, accounting for around 50% of the country's total exports. Other key exports include oranges, grapes, apples, and dairy products. Globally, Chile has secured its position by producing high-quality products, particularly in agriculture and mining. China, as Chile's largest trading partner, accounts for a significant portion of the country's exports. Moreover, Chile, as a major supplier of copper and lithium, holds great importance in the industrial economies of the world (Smith, 2020). Chile's imports include industrial machinery, oil and petroleum products, and chemicals, all of which are essential for the country's infrastructure development and industrial growth. Due to its need for advanced technologies and machinery, Chile depends on industrialized countries such as the United States, Japan, and Germany.

4.2.4 Chile and Sustainable Development: Role in Renewable Energy

In recent decades, Chile has established itself as a leader in renewable energy. By utilizing its natural resources, especially solar and wind energy, Chile has played a significant role in advancing global environmental goals. The country boasts some of the best conditions for solar energy production in the world, particularly in the arid northern regions, which receive intense sunlight. This has made Chile one of the leading renewable energy producers in Latin America (IEA, 2020). Chile has also made strides in wind and geothermal energy production, using these resources to meet domestic energy needs and export energy to neighboring countries.

4.2.5 Chile's Economic Challenges: Inequality and Internal Crises

Despite high economic growth, Chile continues to face challenges related to economic inequality and poverty in certain areas. These disparities are mainly observed between the northern and southern regions of the country, where natural resources are often controlled by economic elites and large corporations. As a result, class divisions and social unrest have increased, particularly in recent decades. In recent years, these inequalities have sparked protests and social movements calling for broader economic and social reforms (Brown & Lopez, 2022). Another challenge for Chile is its vulnerability to natural disasters. Due to its location along the Pacific Ring of Fire, the country is prone to earthquakes and other natural disasters. These crises not only impact infrastructure but also negatively affect economic growth.

4.3 Geopolitics and Diplomacy of Chile: Role and Position in International Politics

Chile, as one of the key countries in Latin America, plays an important role in the geopolitics of the region and the world, given its unique geographic position. This section of the article will analyze the various dimensions of Chile's geopolitics and its role in international diplomacy. With its geographic, economic, and historical characteristics, Chile has emerged as a significant global actor. On the other hand, its foreign policy, focused on regional cooperation, strengthening trade and diplomatic relations with global powers, and active participation in international organizations, particularly in the fields of security and economics, is continuously evolving.

4.3.1 Geographical Position and Geopolitics of Chile

Chile, located on the narrow coastal strip of western South America, has a strategic position with access to both the Pacific and Atlantic Oceans, enabling it to develop extensive trade and diplomatic relations with many countries. It borders Peru to the north, Argentina to the east, and the Southern Ocean to the south. Chile shares its longest border, 5,383 kilometers, with Argentina, which gives the country special importance in bilateral and security relations. Chile's position in the Pacific Ocean allows it to establish broad trade connections with Asian, Oceanic, and even North American and Canadian countries. Furthermore, this geographical location influences Chile's geopolitical role in Latin America, making it a bridge between continents.

4.3.2 Foreign Policy and Diplomacy of Chile: Priorities and Orientations

Chile's foreign policy is based on active diplomacy and free trade policies. In recent decades, the country has strived to be recognized as a key player in international and regional affairs. In this regard, Chile aims to strengthen its relationships with neighboring countries and other global

powers. Chile's foreign policy focuses on participating in international organizations and joining trade agreements and multilateral pacts. Chile is a member of the Pacific Alliance (which includes Colombia, Mexico, and Peru) and the World Trade Organization (WTO). It is also active in the Union of South American Nations (UNASUR) and the Organization of American States (OAS). As a permanent member of the United Nations Security Council and the International Atomic Energy Agency (IAEA), Chile plays a prominent role in global and regional policies, particularly in security and sustainable development. In terms of bilateral relations, Chile has established close ties with North American countries (especially the United States) and East Asian countries (China and Japan). In recent years, Chile has signed extensive trade agreements with China, the second-largest economy in the world, particularly focusing on trade in minerals, agriculture, and renewable energy (Garcia & Torres, 2020).

4.3.3 Chile's Role in Regional and Global Security

Regionally, Chile has established itself as a key security player in Latin America. The country plays an important role, especially in maritime security and the protection of international shipping lanes. As a member of the Pacific Cooperation Council, Chile has enhanced its security relations with countries around the Pacific Ocean, ensuring the security of maritime trade routes. On the global stage, Chile is known as a strong supporter of global peace and security. It actively participates in United Nations peacekeeping missions, contributing military forces to conflict zones to strengthen global stability. Moreover, Chile is one of the leading countries in nuclear negotiations and non-proliferation of nuclear weapons in Latin America.

4.3.4 Diplomatic Challenges and Opportunities for Chile

Despite its successes in diplomacy and regional security, Chile faces certain challenges. One of the main challenges is the social and economic inequality, which has had an impact on both domestic and foreign policies. Widespread protests in Chile in recent years have highlighted the need for domestic reforms, which may affect the country's diplomatic and economic stability. On the other hand, Chile, with its rich natural resources, has significant opportunities to strengthen diplomatic and economic relations with various countries. The country can leverage its renewable energy potential and exports of minerals (especially copper and lithium) as diplomatic tools to enhance relations with other nations (Cochilco, 2021).

4.3.5 Chile and Relations with Global Powers: The United States, China, and the European Union

Chile and the United States: Chile's relationship with the United States has always been strong in terms of economic, trade, and political ties. The United States is Chile's largest trading partner, and the two countries maintain close cooperation in various areas such as trade, investment, and scientific and technological collaboration. Chile has supported the United States' free trade policies, and particularly in the Chile-U.S. Free Trade Agreement, the two countries have signed agreements in multiple sectors. **Chile and China:** Chile's relations with China have expanded significantly in recent years, especially in the commercial and economic spheres. China is Chile's largest trading partner, and the country plays a key role in exports of minerals to China. These connections are especially important in the fields of copper and lithium, as China is the largest global consumer of these resources and has a significant demand for imports from Chile. **Chile and the European Union:** Relations between Chile and the European Union have also been growing, with the EU serving as one of Chile's primary trade partners in the region. Chile and the EU cooperate closely in areas such as environmental issues and sustainable development. Additionally, Chile plays an active role in trade agreements and scientific cooperation with European countries.

4.4 Internal Challenges and Future Opportunities for Chile

Despite its significant achievements in the economic and diplomatic spheres, Chile faces a set of internal challenges that could influence its future trajectory. These challenges range from economic and social issues to environmental and political concerns. This section will examine these challenges and the future opportunities available to Chile that could help the country advance on the path of sustainable development and enhance its position regionally and globally.

4.4.1 *Economic and Social Challenges*

One of Chile's greatest challenges is economic inequality. Despite significant economic growth in recent decades, income disparities and inequalities across various segments of society remain prevalent. According to the World Bank (2020), Chile is one of the countries with the highest levels of inequality in Latin America. This inequality is not only visible in income distribution but also in access to social services such as education, healthcare, and housing. These social issues have led to widespread protests across the country in recent years, primarily driven by demands for economic reforms and social justice (World Bank, 2020). Another major economic challenge for Chile is its over-reliance on natural resources. As one of the world's largest producers of copper and lithium, Chile's economy is vulnerable to fluctuations in global market prices. The price of copper, a key revenue source for Chile, is heavily influenced by global economic changes, which can lead to economic instability. To address this issue, Chile must diversify its economy and exploit other resources, such as renewable energy and emerging technologies, more effectively (Cochilco, 2021).

4.4.2 *Political and Legal Challenges*

Politically, Chile has faced significant internal challenges in recent years. One of these is the erosion of public trust in government institutions. Following the 2019 protests, which were triggered by dissatisfaction with the government's economic and social policies, many Chileans criticized the political and economic situation and called for fundamental reforms to the political system. This crisis prompted the government to initiate constitutional reforms and asked the people to vote in a referendum on a new constitutional draft. These fundamental changes reflect the managerial and governance challenges that Chile must address (Brown & Lopez, 2022). Additionally, Chile faces issues related to corruption within both public and private sectors. Corruption has been observed in some government bodies and private enterprises and can hinder the country's reform processes, further eroding public trust in institutions. To combat this problem, Chile needs to strengthen transparency and accountability across both public and private sectors (Martinez, 2018).

4.4.3 *Environmental Challenges*

Chile is one of the most vulnerable countries to climate change. Changes in rainfall patterns, rising temperatures, and decreasing freshwater resources pose serious threats to agriculture, energy production, and daily life. Chile, particularly in its northern and central regions, faces water shortages, significantly impacting agriculture and industrial production. Furthermore, the energy production and mining industries in Chile have been criticized for their environmental pollution and damage to natural ecosystems. Chile is striving to transition toward renewable energy, making progress particularly in solar and wind energy. However, these changes require substantial financial resources and foreign investment (IEA, 2020).

4.4.4 *Future Opportunities for Chile*

4.4.4.1 *Green Economy and Renewable Energy*

One of Chile's greatest future opportunities lies in the development of a green economy and renewable energy. Chile's unique geographical position allows it to become one of the leading global producers of renewable energy. The country has significant potential, especially in solar and wind energy.

Northern Chile, for example, is one of the best regions in the world for solar energy production, as it receives constant, intense sunlight. By investing in this sector, Chile could become a major source of clean energy and reduce its dependence on fossil fuels. This transition would not only contribute to mitigating climate change but could also create new jobs and attract foreign investment (IEA, 2020).

4.4.4.2 *Economic Diversification and Technology*

Another important opportunity for Chile is economic diversification. Chile can reduce its dependence on natural resources by strengthening non-mining sectors such as information technology, sustainable agriculture, and tourism. The country has significant potential in sustainable agriculture and organic food production. By utilizing modern agricultural technologies, Chile could become a leading producer of organic products globally. Additionally, the technology

sector is growing, and with its robust digital infrastructure and skilled workforce, Chile has the potential to become a regional hub for technology (OECD, 2021).

4.4.4.3 *Strengthening International Trade Relations*

Chile, as one of the leading countries in trade agreements and multilateral pacts, has many opportunities to strengthen its trade relations with other countries. In particular, it can benefit from the Pacific Alliance and trade agreements with China and the United States. Moreover, Chile can use its strategic location in the Pacific Ocean to establish trade connections with Asian and European countries. Strengthening ties with East Asia, especially China and Japan, in the fields of mining and renewable energy could significantly boost its trade relations (Garcia & Torres, 2020).

5. Discussion and Conclusion

In conclusion, an analysis of Chile's strategic position in Latin America underscores its significance as a key player in economic, geopolitical, and diplomatic arenas. With its geographical features and abundant natural resources, Chile has established itself as one of the leading countries in the region. Through a focus on economic development, diversification of revenue sources, and strengthening international trade relations, Chile has enhanced its global standing. However, the country also faces challenges that must be addressed strategically to sustain its path of growth and development.

1. *Strategic Geography and Natural Resources*

Geographically, Chile serves as a crucial gateway connecting Latin America to the Pacific Ocean, a position that gives it a vital role in global trade with Asia and Oceania. Its extensive coastline along the Pacific and abundant resources, including copper, lithium, diverse agricultural products, and renewable energy sources, make it a significant supplier of raw materials to global industries. These geographical and natural advantages position Chile as a major exporter in international markets, enhancing its influence in both regional and global economic policies.

2. *Economic and Trade Leadership*

Chile's open economy and trade liberalization policies, particularly over the past few decades, have facilitated remarkable economic growth. As a core member of the Pacific Alliance with over 30 trade agreements spanning countries such as China, the United States, and the European Union, Chile has established a robust network of trade relations. This network has not only spurred economic growth but also allowed Chile to weather global economic crises effectively. However, its heavy reliance on exporting raw materials and natural resources leaves it vulnerable to global market fluctuations. To maintain and strengthen its position, Chile must prioritize economic diversification and investment in non-mineral sectors such as technology and renewable energy.

3. *Geopolitics and Foreign Policy*

From a geopolitical perspective, Chile is a significant actor with a positive stance on regional and international cooperation. It has actively participated in the Pacific Alliance and global trade negotiations, seeking to strengthen ties with Asian countries, particularly China and Japan. Furthermore, Chile is recognized for its commitment to security and global peace as a neutral and human-rights-focused nation. This active foreign policy has not only enhanced its trade relations but also bolstered its political influence regionally and globally. Nevertheless, Chile faces geopolitical challenges, including regional tensions, such as border disputes with neighboring countries like Peru and Bolivia, and internal social unrest that can affect its foreign policy. Thus, Chile must focus on managing these tensions carefully while fostering friendly relations and regional cooperation.

4. *Challenges and Opportunities*

Despite its notable achievements, Chile grapples with economic, social, and environmental challenges. Economic inequality remains one of its most pressing domestic issues, fueling social unrest and threatening political stability. Furthermore, overreliance on natural resources and susceptibility to global commodity price fluctuations present significant economic risks. Simultaneously, Chile has substantial opportunities in several sectors. The country is uniquely positioned to become a global leader in renewable energy due to its favorable geographic conditions and abundant natural resources. Additionally, Chile could reduce its dependence on

mining by investing in sustainable agriculture, technology, and tourism, paving the way for a diversified and resilient economy.

5. Future Prospects

Ultimately, Chile's strategic position in Latin America depends largely on its ability to address challenges and capitalize on emerging opportunities. With its rich natural resources, strategic geographic location, and open economic policies, Chile has the potential to become one of the leading countries in the region. However, achieving this requires adopting policies that promote economic diversification, sustainable development, robust trade relations, and active diplomacy. Chile must also continue implementing internal reforms, particularly in addressing inequality and corruption, to ensure political and economic stability and strengthen its global standing. In summary, Chile's strategic position, particularly in global trade and regional security, offers immense potential for growth and influence in Latin America and beyond. However, long-term success and sustainable development will depend on its ability to collaborate with the international community, strengthen its infrastructure, and effectively address domestic challenges. By doing so, Chile can secure a more advanced and influential position both regionally and globally.

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**TRIBUNA TÎNĂRULUI CERCETĂTOR
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**KOFI ANNAN – UN SECRETARY-GENERAL AND HIS ROLE IN RESOLVING
INTERNATIONAL CONFLICTS**

**KOFI ANNAN-SECRETARUL GENERAL AL ONU ȘI ROLUL SĂU
ÎN SOLUȚIONAREA CONFLICTELOR INTERNAȚIONALE**

**КОФИ АННАН – ГЕНЕРАЛЬНЫЙ СЕКРЕТАРЬ ООН И ЕГО РОЛЬ В
РАЗРЕШЕНИИ МЕЖДУНАРОДНЫХ КОНФЛИКТОВ**

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ABSTRACT:

**KOFI ANNAN – UN SECRETARY-GENERAL AND HIS ROLE
IN RESOLVING INTERNATIONAL CONFLICTS**

This paper analyses Kofi Annan's contribution as UN Secretary-General (1997-2006) to the prevention and resolution of international conflicts. The study focuses on his diplomatic initiatives, reform efforts within the UN system, and his personal approach to peacebuilding. It reviews selected cases such as Kosovo, Iraq and Darfur and discusses Annan's role in shaping global norms of multilateral diplomacy and humanitarian intervention.

The article concludes that Kofi Annan has significantly changed the UN peace agenda by promoting human security and preventive diplomacy as central principles of global governance.

Key words: Kofi Annan, United Nations, diplomacy, conflict resolution, peacekeeping.

JEL Classification: K33; F50

Universal Decimal Classification: 327.7; 341.1

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REZUMAT:

**KOFI ANNAN-SECRETARUL GENERAL AL ONU ȘI ROLUL SĂU
ÎN SOLUȚIONAREA CONFLICTELOR INTERNAȚIONALE**

Această lucrare analizează contribuția lui Kofi Annan în calitate de Secretar General al ONU (1997-2006) la prevenirea și soluționarea conflictelor internaționale. Studiul se concentrează pe inițiativele sale diplomatice, eforturile de reformă în cadrul sistemului ONU și abordarea sa personală în ceea ce privește

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consolidarea păcii. Acesta analizează cazuri selectate, cum ar fi Kosovo, Irak și Darfur și discută rolul lui Annan în modelarea normelor globale ale diplomației multilaterale și intervenției umanitare.

Articolul concluzionează că Kofi Annan a schimbat semnificativ agenda de pace a ONU prin promovarea securității umane și a diplomației preventive ca principii centrale ale guvernanței globale.

Cuvinte cheie: Kofi Annan, Organizația Națiunilor Unite, diplomație, rezolvarea conflictelor, menținerea păcii.

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РЕЗЮМЕ:

КОФИ АННАН – ГЕНЕРАЛЬНЫЙ СЕКРЕТАРЬ ООН И ЕГО РОЛЬ В РАЗРЕШЕНИИ МЕЖДУНАРОДНЫХ КОНФЛИКТОВ

В данной статье анализируется вклад Кофи Аннана на посту Генерального секретаря ООН (1997-2006) в предотвращение и урегулирование международных конфликтов. Основное внимание в исследовании уделяется его дипломатическим инициативам, усилиям по реформированию системы ООН и его личному подходу к миростроительству. В нем рассматриваются отдельные случаи, такие как Косово, Ирак и Дарфур, и обсуждается роль Аннана в формировании глобальных норм многосторонней дипломатии и гуманитарной интервенции.

В статье делается вывод о том, что Кофи Аннан существенно изменил мирную повестку дня ООН, продвигая безопасность человека и превентивную дипломатию в качестве центральных принципов глобального управления.

Ключевые слова: Кофи Аннан, Организация Объединенных Наций, дипломатия, разрешение конфликтов, миротворчество.

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1. Introduction

The United Nations (UN) is a key institution of the international system, the main objective of which is to maintain peace and security, promote cooperation between states and promote the principles of international law. Since its founding in 1945, the United Nations has undergone several stages of development and reforms, reflecting the changing geopolitical conditions and new challenges of a globalized world¹. It is headed by the Secretary-General – the highest administrative representative and the symbolic voice of the international community².

The function of the Secretary-General is extremely complex, as it brings together the administrative, political and ethical aspects of leadership. The Secretary-General is not only the head of the UN Secretariat, but also acts as a mediator in conflict situations, an initiator of diplomatic negotiations and an advocate of a multilateral approach to solving global problems. Its authority is not based on formal executive powers, but on its ability to influence member states through trust, diplomatic skill and moral integrity³. That is why he is often referred to as a world diplomat or the moral voice of the international community⁴.

This understanding of the Secretary-General's function was embodied by Kofi Atta Annan, the seventh UN Secretary-General, who led the organization from 1997 to 2006. A native of Ghana, he has held a number of leadership positions during his career of more than forty years – from

¹ Weiss, T. G. (2009). *Humanitarian Intervention: Ideas in Action*. Cambridge: Polity Press.

² Luck, E. C. (2006). *UN Security Council: Practice and Promise*. New York: Routledge.

³ Chesterman, S. (2007). *Secretary or General? The UN Secretary-General in World Politics*. Cambridge: Cambridge University Press.

⁴ Annan, K. (2012). *Interventions: A Life in War and Peace*. London: Penguin Press.

administrative tasks to the management of peacekeeping operations. These experiences allowed him to know in detail the inner workings of the organization and became the basis for his later reform initiatives¹. His rise to office symbolized the UN's transition to a new era – the post-Cold War era, which brought new threats: regional conflicts, ethnic violence, humanitarian crises, terrorism and state failure².

Since the beginning of his mandate, Kofi Annan has focused on strengthening the effectiveness and credibility of the UN. He advocated the reform of the collective security system, the modernisation of internal governance and the link between peace, development and human rights. His approach was based on the conviction that peace and development are inextricably linked to human security, and that lasting peace is not possible without a dignified life for the individual³.

During Annan's tenure, the UN faced several serious trials – the war in Kosovo (1999), the invasion of Iraq (2003) and the humanitarian crisis in Darfur (2004). Despite his limited powers, the Secretary-General was heavily involved in finding diplomatic solutions, mediating negotiations and strengthening the moral dimension of international politics. His diplomatic style – based on patience, quiet diplomacy and the search for consensus – has earned him respect not only at the United Nations but also on the global stage⁴. In 2001, Kofi Annan and the United Nations were awarded the Nobel Peace Prize for their efforts to create a more orderly and peaceful world⁵.

Annan's tenure is often referred to as the U.N.'s decade of transformation, during which the organization sought to adapt to a changing world of globalization, regional conflicts, and new security challenges. The reforms he initiated aimed to streamline decision-making processes, increase transparency, strengthen cooperation with regional organisations (in particular the African Union and the European Union) and restore public trust in the UN⁶.

The aim of the article is to analyze the role of Kofi Annan as UN Secretary-General in resolving international conflicts in the years 1997-2006, to evaluate his contribution to the development of the concept of preventive diplomacy and reform of the UN system, and to point out the main challenges he faced.

The article is based on an analysis of primary and secondary sources. The primary sources are mainly official UN documents – the Secretary-General's annual reports, Kofi Annan's speeches to the UN General Assembly, and reports on peace and security. Secondary sources are professional publications, academic articles and analytical studies on the work of the UN and the role of the Secretary-General in international relations.

A comparative and descriptive-analytical method was used – comparing Annan's approaches in various conflict situations and analyzing them in the context of the broader development of international relations. The research is complemented by a qualitative content analysis of selected UN documents and speeches, with the aim of revealing the main themes and value frameworks that Annan advocated.

The research conceived in this way allows for a comprehensive assessment of the significance of Annan's work for the UN and at the same time reflects on his personal contribution to the formation of the current international order.

2. Kofi Annan's career and accession to the post of UN Secretary-General

Kofi Atta Annan was born on April 8, 1938 in Kumasi, Ghana (then the British colony of the Gold Coast) into a family with a tradition of public service. He grew up in an aristocratic family, in which his grandfathers and uncles held the position of chiefs. His father was the chief of the Fante

¹ Annan, K. (2000). *We the Peoples: The Role of the United Nations in the 21st Century*. New York: United Nations.

² Weiss, T. G. (2009). *Humanitarian Intervention: Ideas in Action*. Cambridge: Polity Press.

³ Annan, K. (2005). *In Larger Freedom: Towards Development, Security and Human Rights for All*. New York: United Nations,

⁴ Chesterman, S. (2007). *Secretary or General? The UN Secretary-General in World Politics*. Cambridge: Cambridge University Press

⁵ Nobel Committee. (2001). *The Nobel Peace Prize 2001: Kofi Annan and the United Nations*. Oslo: Norwegian Nobel Institute

⁶ Annan, K. (1997). *Renewing the United Nations: A Programme for Reform*. New York: United Nations.

tribe and an important figure in the regional government. Thanks to his family background and emphasis on education, Kofi Annan gained access to the international environment and liberal education at a young age¹.

He began his university studies at the Kwame Nkrumah University of Science and Technology in Ghana, from where he later received a scholarship to Macalester College in the US state of Minnesota, where he graduated in 1961 with a degree in economics. After graduation, he continued his postgraduate education at the Graduate Institute of International and Development Studies in Geneva and later at the Massachusetts Institute of Technology (MIT), where he focused on management and administrative management². This combination of economic and managerial education later proved to be crucial in his reform efforts at the United Nations.

Annan joined the United Nations in 1962 as an administrative officer at the World Health Organization (WHO). Over the following decades, he held several positions within the UN system – he worked for the Office for Refugees (UNHCR), the Economic Commission for Africa (ECA) and the Office for Budget and Human Resources Planning. In the 1980s, he also worked outside the UN – in the international organization World Health Organization Financing and Administration in Switzerland³.

In the 1990s, his career shifted significantly – in 1993 he was appointed Under-Secretary-General for Peacekeeping Operations. In this capacity, he was directly involved in the management of several UN missions, including those in Bosnia and Herzegovina, Somalia and Rwanda. It was the genocide in Rwanda in 1994, which took place during his term of office, that became a profound personal and professional turning point. The UN has been criticised for its inaction, but Annan has spoken openly about the need to strengthen the UN's ability to respond to mass human rights violations⁴. This moment significantly shaped his future understanding of the organization's role in humanitarian intervention and conflict prevention.

During his tenure as Head of Peacekeeping Operations, Annan has proven himself to be a diplomat with a balanced, rational and inclusive approach. He had a reputation as a person who could maintain contact with the great powers, but at the same time maintain an independent attitude. When a successor to Secretary-General Boutros Boutros-Ghali began to be discussed in the Security Council in 1996, Annan became a candidate for compromise – he was supported mainly by the United States, which did not agree with the Egyptian leader's continuation in a second term⁵. After a series of negotiations, he was elected by the UN General Assembly as the seventh Secretary-General on 17 December 1996 and officially took office on 1 January 1997.

His election represented both a symbolic and a political breakthrough, with Annan becoming the first Secretary-General from the ranks of career UN officials and the second African to hold the post (after Boutros Boutros-Ghali). At a time when the UN was facing criticism for its inefficiency and bureaucracy, his selection was seen as a hope for reform and restoring public trust in the organization⁶.

Immediately after taking office, Annan presented a comprehensive reform program for the United Nations, aimed at streamlining administrative processes, strengthening cooperation with regional organizations, and expanding the UN's mandate in the field of development and human rights.⁷

From the beginning of his term, Kofi Annan thus profiled himself as a reformer and visionary, who tried to combine the administrative management of the organization with the ethical dimension of international politics. His diplomatic style, characterized by patience, an emphasis on

¹ Annan, K. (2012). *Interventions: A Life in War and Peace*. London: Penguin Press

² Chesterman, S. (2007). *Secretary or General? The UN Secretary-General in World Politics*. Cambridge: Cambridge University Press.

³ Annan, K. (2012). *Interventions: A Life in War and Peace*. London: Penguin Press.

⁴ Annan, K. (2000). *We the Peoples: The Role of the United Nations in the 21st Century*. New York: United Nations.

⁵ Luck, E. C. (2006). *UN Security Council: Practice and Promise*. New York: Routledge

⁶ Weiss, T. G. (2009). *Humanitarian Intervention: Ideas in Action*. Cambridge: Polity Press

⁷ Annan, K. (2005). *In Larger Freedom: Towards Development, Security and Human Rights for All*. New York: United Nations

consensus and the ability to communicate with different actors, earned him respect on the international stage. Already in the first years of his mandate, he had to deal with difficult challenges, such as the crisis in Kosovo or the question of the international legitimacy of military interventions, which became the central topic of his further work.

3. Kofi Annan and the reform of the United Nations system

3.1. The need for post-Cold War reform of the UN

The end of the Cold War brought about a fundamental transformation of the international environment, in which the United Nations had to adapt to new conditions. The bipolar world system, which paralysed the activities of the UN Security Council for many decades, has disintegrated and opened up space for a more active operation of the organization in the field of peacekeeping missions and conflict prevention. At the same time, however, new challenges – ethnic wars, the collapse of states, terrorism, climate change and the growth of social inequalities – have highlighted the UN's limited readiness to respond comprehensively and effectively¹.

In the mid-1990s, the UN found itself in a crisis of confidence. Critics pointed to bureaucratic inefficiency, slow decision-making and a lack of transparency. The failures of peacekeeping missions in Rwanda and Bosnia have raised questions about the legitimacy of the organization and its ability to ensure international security. After taking office as Secretary-General in 1997, Kofi Annan realized that if the UN was to remain relevant, it needed to undergo a fundamental internal reform that would strengthen its performance, credibility and adaptability².

3.2. The 1997 Reform Programme

Shortly after his election, Annan presented "Renewing the United Nations: A Programme for Reform" (1997), which became the basis of his reform strategy. The aim of the programme was to streamline the functioning of the organisation, strengthen coordination between individual bodies and simplify the administrative structure.

Key actions included:

- Reduction of the number of management levels and merging of duplicate departments,
- Introduction of performance evaluation of the Secretariat's employees,
- Establishment of the position of Deputy Secretary-General – in order to relieve Annan of operational tasks,
- Increasing transparency and financial discipline through internal audits,
- Strengthening cooperation with regional organisations such as the African Union (AU) and the European Union (EU).

The 1997 reform was considered the most extensive since the creation of the United Nations. Annan focused not only on administrative changes, but also on changing the culture within the organization – he wanted the UN to stop being seen as a rigid bureaucratic institution and become a flexible tool for international diplomacy³.

3.3. 'We the Peoples' – a UN for the 21st century

In 2000, Kofi Annan presented a seminal document entitled "*We the Peoples: The Role of the United Nations in the 21st Century*", which became a kind of manifesto of his vision of the role of the UN in a globalized world. This strategic text emphasized that the organization must respond not only to military but also to economic, environmental and social challenges that threaten the security of people.

Several key concepts emerged in the report:

- Human Security – the security of a person, not just the state, as a fundamental principle;
- Conflict prevention – the need for early warning and diplomatic action before the outbreak of violence;
- Globalisation and justice – the need for a fair sharing of the benefits of globalisation;

¹ Weiss, T. G. (2009). *Humanitarian Intervention: Ideas in Action*. Cambridge: Polity Press

² Annan, K. (2000). *We the Peoples: The Role of the United Nations in the 21st Century*. New York: United Nations.

³ Chesterman, S. (2007). *Secretary or General? The UN Secretary-General in World Politics*. Cambridge: Cambridge University Press

- Cooperation between States and civil society – the UN as a platform that connects governments, non-governmental organizations, the business sector and individuals.

In the spirit of these ideas, in the same year, he also presented the Millennium Development Goals (MDGs), which defined eight global development goals by 2015 – from fighting poverty to improving education, health and women's empowerment. This program was one of the most striking outcomes of the Annan era, as it linked development policy to security and stability issues¹.

3.4. Reform of the security system and peacekeeping missions

Annan paid special attention to the reform of the system of collective security and peacekeeping operations. The experience in Rwanda and Bosnia convinced him that the UN must have better mechanisms to protect civilians and make decisions faster in crisis situations.

Therefore, in 2000, the so-called Brahimi Report (*Report of the Panel on United Nations Peace Operations*) was created, which contained recommendations for improving the effectiveness of UN peacekeeping missions. Annan fully supported them and implemented a number of measures, such as:

- introduction of Rapid Deployment Capacity,
- strengthening training and coordination between Member States;
- clearer mandates for peacekeeping missions;
- the creation of an integrated planning and evaluation system².

These reforms have helped to increase the number and quality of UN peacekeeping operations, almost doubling during Annan's tenure and expanding to areas such as Sierra Leone and Liberia³.

3.5. Transparency, ethics and public trust

One of Annan's priorities was to restore moral trust in the United Nations. After a series of scandals involving the misuse of funds or inefficient management, he promoted the principles of ethical responsibility and zero tolerance for corruption. In 1999, he created the Office of Internal Oversight Services to ensure control over the use of the budget and the activities of employees.

However, his efforts at transparency were undermined in 2004 when the so-called Oil-for-Food scandal broke out, which concerned Iraq's humanitarian aid program. Despite the fact that Annan's personal misconduct was not proven, the scandal significantly damaged the reputation of the UN. Annan responded openly – acknowledging systemic failures and pushing for stricter control mechanisms, reinforcing the emphasis on accountability and ethics in the functioning of the organization⁴.

3.6. Significance and impact of Annan's reforms

Annan's reforms have fundamentally influenced the direction of the United Nations in the 21st century. It has succeeded in modernising the organisation's institutional functioning, strengthening its global legitimacy and linking peace, development and human rights issues into a single framework.

His reformist philosophy was based on the idea that peace cannot be maintained without development and development without peace, and that both of these goals are unsustainable without respect for human dignity⁵. Although not all reforms were successful and some initiatives met with resistance from the great powers, Kofi Annan was able to promote the idea of the UN as an active and moral actor in global politics – not just a bureaucratic institution.

4. Kofi Annan and international conflict resolution

Kofi Annan's term of office (1997-2006) was marked by growing instability in the international environment. Despite the end of the Cold War, the world did not experience the expected era of peace, but a series of regional conflicts, ethnic cleansing, terrorist attacks, and humanitarian

¹ United Nations (2000). *Millennium Development Goals*. New York: UN

² Brahimi, L. (2000). *Report of the Panel on United Nations Peace Operations*. New York: United Nations.

³ Luck, E. C. (2006). *UN Security Council: Practice and Promise*. New York: Routledge

⁴ Annan, K. (2012). *Interventions: A Life in War and Peace*. London: Penguin Press

⁵ Annan, K. (2005). *In Larger Freedom: Towards Development, Security and Human Rights for All*. New York: United Nations

catastrophes. During this period, the limits of the UN as an organization became apparent – dependence on the will of the great powers, slow decision-making processes or disputes about the legitimacy of interventions. In this situation, Kofi Annan acted as a moral authority and diplomatic mediator, trying to maintain a balance between the principle of state sovereignty and the need to protect the civilian population.

The following subchapters deal with three key cases that best illustrate his approach: Kosovo (1999), Iraq (2003) and Sudan/Darfur (2004–2005).

4.1. Conflict v Kosove (1999)

The crisis in Kosovo represented the first major test of Annan's leadership. After the breakup of Yugoslavia in the 1990s, tensions between Serbs and Kosovo Albanians resulted in violent clashes and ethnic cleansing. In March 1999, the North Atlantic Treaty Organization (NATO) launched air strikes against Serbia without the approval of the UN Security Council because Russia and China threatened to veto.

Kofi Annan found himself in an extremely sensitive situation. On the one hand, he emphasized that *"intervention without a mandate from the Security Council is not in accordance with the UN Charter"*, but at the same time pointed out that *"inaction in the event of a humanitarian catastrophe would be morally unacceptable"*.¹ His position became the basis for the later doctrine of "Responsibility to Protect" (R2P), which recognizes that if a state is unable to protect its citizens from genocide or crimes against humanity, the international community has the right – and the duty – to act.

After the end of the war, the UN played a key role in stabilizing the region through the United Nations Mission in Kosovo (UNMIK). Annan advocated civil governance and the building of democratic institutions as the basis for long-term peace. Despite the political controversies, the Kosovo operation has become a model for future international interventions with a humanitarian goal².

At the same time, however, the Kosovo crisis has revealed the limits of the Secretary-General's position. Annan could call, appeal and mediate, but he had no real power to prevent the military actions of the great powers. Nevertheless, it was thanks to his balanced attitude that the UN became a key player in the restoration of peace and territorial administration after the conflict³.

4.2. Invasion of Iraq (2003)

Iraq was one of the most difficult moments of Annan's career. After the attacks of September 11, 2001, international policy focused on the fight against terrorism, with the George W. Bush administration accusing Iraq of possessing weapons of mass destruction. In March 2003, the United States and Great Britain launched the military operation "Iraqi Freedom" without the approval of the UN Security Council.

Kofi Annan has repeatedly warned that the action *"is not in accordance with the UN Charter"* and that *"no government has the right to unilaterally decide on the use of force"*.⁴ With this stance, he got into direct conflict with Washington, but at the same time he gained the recognition of the majority of the international community.

After the invasion began, Annan sought to minimize divisions within the United Nations and promote the country's humanitarian reconstruction. He established the United Nations Mission for Iraq (UNAMI) to assist with the country's political transition, including the preparation of elections and the constitution. However, in August 2003, the mission in Baghdad was attacked by terrorists, killing the UN special envoy Sérgio Vieira de Mello – a close associate of Annan. This event

¹ Annan, K. (1999). *Statement on the Situation in Kosovo*. New York: United Nations.

² Chesterman, S. (2007). *Secretary or General? The UN Secretary-General in World Politics*. Cambridge: Cambridge University Press

³ Luck, E. C. (2006). *UN Security Council: Practice and Promise*. New York: Routledge

⁴ Annan, K. (2004). *Interview with the BBC on the Legality of the Iraq War*. BBC News, 16 September 2004.

deeply shook the entire organization and led to a reassessment of security measures for all civilian missions¹.

Annan's criticism of the invasion and emphasis on multilateral decision-making reinforced the image of the UN as a moral counterweight to the unilateral use of force. At the same time, however, they have shown that without the consent of the great powers, the Secretary-General has only a limited opportunity to influence the direction of global politics.

4.3. Sudan-Darfur conflict (2004-2005)

In 2003, one of the worst humanitarian conflicts of the early 21st century broke out in the western Sudanese region of Darfur. Military units and the 'Janjaweed' militia led by the Sudanese government have attacked the civilian population, resulting in an estimated more than 300,000 casualties. The UN has faced criticism for its slow response and limited measures.

Kofi Annan, learning from the experience of Rwanda, immediately warned of the threat of genocide and called on the international community to act together. He actively supported the African Union (AU), which was the first to send peacekeepers to the region. Subsequently, he pushed for the creation of a joint UN-AU mission – UNAMID (2007), which became one of the largest peacekeeping operations in the history² of the UN.

Darfur has become a symbol of Annan's philosophy of human security – that is, the understanding of peace as a state in which the lives of individuals are protected, not just the borders of states. Although the UN was unable to completely stop the conflict, Annan's initiative contributed to strengthening the concept of Responsibility to Protect, which was later officially adopted at the UN World Summit in 2005³.

4.4. Further diplomatic missions and peace mediation

In addition to major crises, Annan also played an important role in many regional disputes:

- in Sierra Leone (1999-2000), supported the peace process after the civil war and the creation of the UN Special Court for Sierra Leone;
- in East Timor (1999), coordinated the independence and transition process under the administration of the United Nations (UNTAET);
- in Lebanon (2000), mediated negotiations between Israel and Hezbollah on the cessation of military operations.

These cases illustrate that Annan advocated a multilateral and dialogical approach, preferring quiet diplomacy, face-to-face negotiations, and cooperation with regional actors. His style contrasted with the confrontational methods of some states and represented a model of "soft power" in practice.

4.5. Assessing Annan's role in conflict resolution

Annan's work in crisis situations has shown that the UN Secretary-General can be a major actor in global politics despite his limited powers. His diplomatic approach combined pragmatism and a moral dimension, seeking to seek consensus among the great powers.

Historically, Annan is credited with:

- strengthening the role of the UN as a mediation actor;
- enforcement of the Responsibility to Protect (R2P) doctrine;
- expanding the concept of human security,
- emphasising preventive diplomacy as a tool for conflict resolution;
- linking peacekeeping missions to development and human rights programmes.

However, his critics pointed out that many initiatives remained only at the level of declarations and the UN was often unable to agree on specific steps. Nevertheless, Annan managed to maintain the authority of the organization during a period when its legitimacy was seriously questioned⁴.

¹ Annan, K. (2012). *Interventions: A Life in War and Peace*. London: Penguin Press.

² Weiss, T. G. (2009). *Humanitarian Intervention: Ideas in Action*. Cambridge: Polity Press

³ Annan, K. (2005). *In Larger Freedom: Towards Development, Security and Human Rights for All*. New York: United Nations

⁴ Chesterman, S. (2007). *Secretary or General? The UN Secretary-General in World Politics*. Cambridge: Cambridge University Press

After the end of his mandate (2006), Annan continued his mediation activities – for example as UN and Arab League Special Envoy for Syria (2012). This also proves that his name has become synonymous with credible and neutral diplomacy.

5. Annan's concept of multilateralism, human security and the legacy of its action

5.1. Multilateralism as a fundamental principle of world politics

One of the pillars of Kofi Annan's diplomatic thinking was multilateralism – the belief that global problems can only be solved through cooperation between several states and international institutions.

Annan repeatedly emphasized that *"no state, no matter how powerful, can face the threats of a globalized world alone."*¹

This approach was reflected in several aspects of his work. First, Annan sought to strengthen the role of the UN as a forum for collective decision-making, where even small states would have a voice in shaping international policy. Secondly, it promoted the UN's cooperation with regional organisations, in particular the African Union, the European Union, the Organisation of American States and ASEAN. Third, it has expanded the concept of multilateral diplomacy to include the participation of non-state actors – NGOs, academia and the private sector.

In 1999, he introduced the UN Global Compact², which was to bring the UN together with the business sector on issues of sustainable development, business ethics and human rights. This project became one of the most successful initiatives of Annan's mandate and today brings together thousands of companies from more than 160 countries³.

Annan's multilateralism had not only an institutional dimension, but also a moral one. He emphasized the need for international solidarity and joint action in the face of global threats such as climate change, poverty and terrorism. In a speech at the UN World Summit in 2005, he stressed that multilateralism is not an option, but a necessity at a time when problems transcend national borders⁴.

5.2. The concept of human security and the 'responsibility to protect'

Kofi Annan has made a major contribution to the expansion of the traditional understanding of security. In the spirit of his motto "freedom from fear and freedom from want", he formulated the concept of human security, which promotes that true security does not consist only in the absence of war, but in the protection of basic human rights, access to food, health, education and a dignified life⁵.

In the report *We the Peoples* (2000) and in the document *In Larger Freedom* (2005), he stated that *"without development there is no security and without security there is no development"*. This approach brought together peace, development and human rights policies into a single framework and became the basis of the United Nations Post-2000 Development Agenda.

The most striking manifestation of this philosophy was the support of the Responsibility to Protect (R2P) principle. Drawing on the experience of Rwanda and Bosnia, Annan argued that the international community has a moral and legal obligation to intervene when a state fails to protect its citizens from genocide, ethnic cleansing or crimes against humanity. This principle was adopted by the UN General Assembly in 2005 and became one of the most important shifts in international law after World War II⁶.

¹ Annan, K. (2005). *In Larger Freedom: Towards Development, Security and Human Rights for All*. New York: United Nations, p.7

² United Nations. *UN Global Compact: Annual Review*. New York: UN Publications, 2010

³ United Nations Mission in Kosovo (UNMIK). (2000). *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*. New York: United Nations.

⁴ Annan, K. (2005). *In Larger Freedom: Towards Development, Security and Human Rights for All*. New York: United Nations

⁵ Annan, K. (2000). *We the Peoples: The Role of the United Nations in the 21st Century*. New York: United Nations

⁶ Bellamy, A. J. (2009). *Responsibility to Protect: The Global Effort to End Mass Atrocities*. Cambridge: Polity Press

Although the application of the R2P doctrine remains controversial (e.g. in Libya or Syria), its birth is directly linked to Annan's vision of the UN as an active guarantor of human dignity.

5.3. Moral diplomacy and values-based leadership

Unlike his predecessors, Annan understood the role of secretary-general not only as an administrative function, but as moral leadership. His speeches and activities were dominated by concepts such as trust, responsibility, solidarity, peace and human dignity.

In 2001, when receiving the Nobel Peace Prize, he declared:

*"The life mission of the United Nations is to protect humanity – from war, hatred and senseless suffering. Our actions must be guided by a moral compass, not by the interests of the powerful."*¹

Annan often spoke of the need for quiet diplomacy – resolving conflicts through patient negotiation and building trust instead of confrontation. His style was characterized by humility, detachment and an emphasis on dialogue, which earned him a reputation as a mediator who was respected by all parties, including states with different interests.

As a result, he has become a rare example of moral authority in international politics, where geopolitical calculations often dominate. His leadership has shown that even in an environment of limited powers, the UN Secretary-General can act as an important normative actor shaping global values².

5.4. Legacy and significance of Annan's work

After the end of his mandate in 2006, Kofi Annan remained active in the field of international diplomacy and development. He founded the Kofi Annan Foundation, which is dedicated to promoting peace, democratic governance and sustainable development. In 2012, he was appointed UN and Arab League Special Envoy for Syria, where he tried to mediate a political solution to the civil war.

Kofi Annan's legacy can be summarized in three basic levels:

1. Institutional level: modernised the UN, strengthened its effectiveness and ability to respond to crises;
2. Normative level: it has enforced the principles of responsibility to protect, human security and global solidarity;
3. Ethical level: he returned moral authority and an emphasis on universal values to the organization.

His tenure also influenced later Secretaries-General, in particular António Guterres, who continues to promote the concepts of sustainable development and multilateralism. As Thomas Weiss³ Annan notes, *"he left the UN in a better state than he took it over – stronger in ideals, though not always in power."*

6. Conclusion and Overall Summary

Kofi Annan's term of office (1997-2006) was one of the most significant stages in the history of the United Nations. After taking office at a time of profound global change, Annan was faced with the task of restoring the credibility, effectiveness and moral authority of the United Nations, which had been weakened after the Cold War. His tenure has shown that, even within limited powers, the Secretary-General can play a key role in resolving international conflicts, shaping norms of global behaviour and promoting the values of human dignity and solidarity.

Kofi Annan was a secretary general who brought together a reformist administrator, a diplomat and a moral leader. He proved that the success of the United Nations lies not only in the power of the member states, but also in the ability of the organization's leadership to promote principles that transcend national interests. Its 1997 reforms and the *We the Peoples* programme (2000) have fundamentally influenced the direction of the UN in the 21st century – linking the issues of peace, development and human rights into a single framework that has become the basis of the current concept of sustainable peace and development.

¹ Nobel Committee. (2001). *The Nobel Peace Prize 2001: Kofi Annan and the United Nations*. Oslo: Norwegian Nobel Institute

² Chesterman, S. (2007). *Secretary or General? The UN Secretary-General in World Politics*. Cambridge: Cambridge University Press

³ Weiss, T. G. (2009). *Humanitarian Intervention: Ideas in Action*. Cambridge: Polity Press, p.142

In the field of conflict resolution, Annan advocated strengthening preventive diplomacy and UN peacekeeping missions. In the cases of Kosovo, Iraq and Darfur, it has shown a balanced approach, trying to combine respect for international law with the protection of human life. Although he faced political restrictions and criticism, his work contributed significantly to the promotion of the principle of Responsibility to Protect, which became the new standard in international relations.

At the same time, Kofi Annan developed a modern concept of human security that understands peace not only as the absence of war, but as a state in which the basic needs, rights and dignity of the human person are ensured. This approach fundamentally influenced the philosophy of later UN initiatives, including the 2030 Agenda for Sustainable Development.

Annan's multilateralism was based on the belief that global problems could not be solved unilaterally. He built the UN as a forum for dialogue and cooperation, in which states, regional organizations and non-state actors have their place. His UN Global Compact has shown that responsibility for peace and development lies not only with politics, but also with the private sector and civil society.

Although not all of his reforms were successful and some conflicts could not be stopped, Annan's contribution lies in the fact that he has shifted the UN from an institution that responds to crises to an organization that seeks to prevent them. It has restored the moral dimension of the UN that distinguishes it from other international actors, and has left a legacy that diplomacy based on values and human dignity still has its place in today's world.

His vision of peace as a link between security, development and human rights remains relevant today, at a time of rising geopolitical tensions, humanitarian crises and climate threats. Annan's leadership showed that effective international politics must be not only rational but also ethical.

The article analyzed Kofi Annan's tenure as UN Secretary-General from 1997 to 2006, focusing on his role in resolving international conflicts and his reform activities.

The main findings can be summarised as follows:

- Annan undertook the most extensive institutional reform of the UN since its inception, focused on efficiency, transparency and cooperation with regional organizations.
- Through the documentaries *We the Peoples* (2000) and *In Larger Freedom* (2005), he laid the foundations for a new philosophy of international security, based on human dignity and development.
- In resolving the conflicts in Kosovo, Iraq and Darfur, he advocated peaceful and diplomatic solutions, stressing the legitimacy of international law.
- He has made a significant contribution to the formulation of the Responsibility to Protect (R2P) principle and to the development of the concept of human security.
- His period marked a shift in the understanding of the role of the UN Secretary-General – from an administrator to an active mediator and moral leader.

In conclusion, Kofi Annan left a lasting legacy as a reformer, humanist and diplomat who combined the ideals of peace, justice and solidarity into a single framework of global governance. His work confirms that even in the complex world of international politics, the values and vision of an individual can fundamentally influence the course of history.

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**TRIBUNA TÎNĂRULUI CERCETĂTOR
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**STATUL ȘI INDIVIDUL ÎN DREPTUL INTERNAȚIONAL PUBLIC
CONTEMPORAN: ÎNTRE SUVERANITATE ȘI RESPONSABILITATE**

**THE STATE AND THE INDIVIDUAL IN MODERN INTERNATIONAL
PUBLIC LAW: BETWEEN SOVEREIGNTY AND RESPONSIBILITY**

**ГОСУДАРСТВО И ФИЗИЧЕСКОЕ ЛИЦО В СОВРЕМЕННОМ
МЕЖДУНАРОДНОМ ПУБЛИЧНОМ ПРАВЕ: МЕЖДУ
СУВЕРЕНИТЕТОМ И ОТВЕТСТВЕННОСТЬЮ**

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ABSTRACT:

**THE STATE AND THE INDIVIDUAL IN MODERN INTERNATIONAL
PUBLIC LAW: BETWEEN SOVEREIGNTY AND RESPONSIBILITY**

The article analyzes the evolution of the relationship between state and individual in contemporary public international law, highlighting the transition from the paradigm of absolute sovereignty to a conception centered on responsibility and the protection of human rights. The study capitalizes on the theoretical contributions of the Moldovan and international doctrine in order to demonstrate how the individual has passed from the position of object of state protection to that of subject in affirmation of the international legal order. At the same time, it is argued that the sovereignty of the state is not diminished, but reinterpreted by the obligation to respect and guarantee fundamental rights.

Keywords: state, individual, sovereignty, international responsibility, Human Rights, Legal subjectivity

JEL Classification: K33

Universal Decimal Classification: 341.7; 341(4/9).

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REZUMAT:

**STATUL ȘI INDIVIDUL ÎN DREPTUL INTERNAȚIONAL PUBLIC
CONTEMPORAN: ÎNTRE SUVERANITATE ȘI RESPONSABILITATE**

Articolul analizează evoluția raportului dintre stat și individ în dreptul internațional public contemporan, evidențiind trecerea de la paradigma suveranității absolute la o concepție centrată pe responsabilitate și

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protecția drepturilor omului. Studiul valorifică contribuțiile teoretice ale doctrinei moldovenești și internaționale pentru a demonstra cum individul a trecut din postura de obiect al protecției statale în cea de subiect în afirmare al ordinii juridice internaționale. Totodată, se susține că suveranitatea statului nu este diminuată, ci reinterpretată prin obligația de a respecta și garanta drepturile fundamentale.

Cuvinte-cheie: stat, individ, suveranitate, responsabilitate internațională, drepturile omului, subiectivitate juridică

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РЕЗЮМЕ:

ГОСУДАРСТВО И ФИЗИЧЕСКОЕ ЛИЦО В СОВРЕМЕННОМ МЕЖДУНАРОДНОМ ПУБЛИЧНОМ ПРАВЕ: МЕЖДУ СУВЕРЕНИТЕТОМ И ОТВЕТСТВЕННОСТЬЮ

В статье рассматривается эволюция отношения между государством и отдельным лицом в современном публичном международном праве, подчеркивается переход от парадигмы абсолютного суверенитета к концепции, ориентированной на ответственность и защиту прав человека. Исследование использует теоретический вклад молдавской и международной доктрины, чтобы продемонстрировать, как человек перешел от объектной позиции государственной защиты к позиции субъекта в утверждении международного правового порядка. В то же время утверждается, что суверенитет государства не уменьшается, а переосмысливается обязательством уважать и гарантировать основные права.

Ключевые слова: государство, личность, суверенитет, международная ответственность, права человека, юридическая субъективность.

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1. Introducere

Dreptul internațional public s-a constituit inițial ca un drept al statelor, fundamentat pe principiul suveranității și pe ideea că numai statele pot avea drepturi și obligații în ordinea internațională. În paradigma clasică, individul era conceput ca beneficiar al protecției statale, neavând capacitate juridică internațională proprie. Această viziune, specifică secolelor XIX–XX, se regăsește în lucrările doctrinarilor europeni precum Oppenheim și Anzilotti, care considerau că dreptul internațional reglementează doar raporturile dintre state suverane¹.

În doctrina contemporană, însă, acest model exclusivist a fost supus unei reevaluări profunde. Transformările istorice generate de al Doilea Război Mondial, de crearea Organizației Națiunilor Unite și de adoptarea Declarației Universale a Drepturilor Omului (1948) au impulsionat o umanizare a dreptului internațional, prin recunoașterea demnității individuale ca fundament al normelor juridice globale.

În acest context, raportul dintre stat și individ a devenit unul de interdependență, nu de subordonare. Statul rămâne principalul actor al scenei internaționale, dar exercitarea suveranității sale este condiționată de respectarea drepturilor omului și de cooperarea internațională pentru menținerea păcii.

2. Fundamente teoretice ale subiectelor dreptului internațional

Conceptul de subiect al dreptului internațional desemnează entitatea care are capacitatea de a deține drepturi și obligații în ordinea juridică internațională. În doctrina clasică, doar statele erau

¹ Oppenheim, Lassa. *International Law: A Treatise*, Vol. I, 1905. [On-line:] <https://archive.org/details/internationallaw41046gut> (Accesat 06.11.2025).

recunoscute ca atare, fiind considerate „subiecte originare” ale dreptului internațional¹. Evoluția ulterioară a practicii și a jurisprudenței internaționale a extins însă această categorie, incluzând organizațiile internaționale, mișcările de eliberare națională și, în anumite condiții, indivizii.

Malcolm N. Shaw evidențiază că procesul de recunoaștere a subiectelor de drept internațional este un proces de adaptare a dreptului la realitățile sociale și morale ale comunității globale². În mod similar, James Crawford arată că legitimitatea ordinii internaționale derivă astăzi din capacitatea sa de a proteja persoanele aflate sub jurisdicția statelor.

Această perspectivă marchează o tranziție de la dreptul statelor la dreptul indivizilor, fără a nega rolul statului, ci redefinindu-l. Alexandru Burian afirmă că suveranitatea contemporană presupune participare și responsabilitate, nu izolare și autarhie³. Astfel, subiectivitatea juridică a individului nu exclude primatul statului, ci îl completează prin instituirea unor standarde universale de protecție a demnității umane.

Conceptul de suveranitate reprezintă unul dintre pilonii dreptului internațional, însă semnificația sa a evoluat considerabil în ultimele decenii. În accepțiunea tradițională, consacrată de doctrina westfaliană, suveranitatea exprima independența absolută a statului, dreptul său exclusiv de a-și conduce afacerile interne fără ingerințe externe. Hugo Grotius și Emer de Vattel concepeau suveranitatea ca „putere supremă și nelimitată în ordinea internă și independență deplină în ordinea externă”⁴.

În dreptul internațional contemporan, însă, această concepție a devenit relativă prin emergența normelor imperative (*jus cogens*) și a principiilor solidarității internaționale. După cum observă Antonio Cassese, „suveranitatea nu mai este o barieră de netrecut, ci o competență exercitată în cadrul ordinii juridice internaționale, sub rezerva respectării drepturilor fundamentale ale omului”⁵.

Transformarea este consacrată de Carta ONU (1945), care impune statelor nu doar drepturi, ci și obligații pozitive în menținerea păcii și protejarea demnității umane. Articolul 1 alin. (3) consacră scopul de a promova „respectarea drepturilor omului și libertăților fundamentale pentru toți, fără deosebire de rasă, sex, limbă sau religie”⁶.

Astfel, suveranitatea nu mai este sinonimă cu *libertatea absolută de acțiune*, ci cu *participarea responsabilă la ordinea internațională*. Alexandru Burian sintetizează această evoluție susținând că în dreptul contemporan, suveranitatea devine inseparabilă de răspunderea statului față de comunitatea internațională și față de propriii cetățeni.

Noțiunea de *responsabilitate internațională a statului* este reglementată de *Articolele privind răspunderea statelor pentru fapte internaționale ilicite* (Comisia de Drept Internațional, 2001)⁷. Acestea stabilesc principiul potrivit căruia orice stat care comite un act ilicit internațional este

¹ Crawford, James. *The Creation of States in International Law*, Oxford: Clarendon Press, 2006. [On-line:] <https://academic.oup.com/oxford-law-pro/book/3288> (Accesat 06.11.2025).

² Shaw, Malcolm N. *International Law*, 9th ed., Cambridge University Press, 2021, p. 198. [On-line:] <https://www.perlego.com/book/4229313/international-law-pdf> (Accesat 06.11.2025).

³ Burian, Alexandru. *Subiecții relațiilor internaționale și reglementarea juridică a relațiilor internaționale*. [On-line:] <https://eresursedrept.wordpress.com/wp-content/uploads/2020/04/3.subiectii-relatiilor-internationale-si-reglementarea-juridica-a-relatiilor-internationale.pdf> (Accesat 07.11.2025).

⁴ Vattel, Emer de. *The Law of Nations*, 1758. [On-line:] http://files.libertyfund.org/files/2246/Vattel_1519_LFeBk.pdf (Accesat 07.11.2025).

⁵ Cassese, Antonio. *The Human Dimension of International Law*, Oxford University Press, 2008, p. 54. [On-line:] <https://uculawlib.wordpress.com/wp-content/uploads/2016/10/international-criminal-law-by-antonio-cassese.pdf> (Accesat 07.11.2025).

⁶ Organizația Națiunilor Unite. Carta ONU, 1945, art. 1 alin. (3). [On-line:] <https://www.un.org/en/about-us/un-charter/full-text> (Accesat 08.11.2025).

⁷ Comisia de Drept Internațional (ILC). *Articles on Responsibility of States for Internationally Wrongful Acts*, 2001, art. 1–2. [On-line:] https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf (ht (Accesat 08.11.2025).

obligat să repare prejudiciul cauzat¹. Această codificare reflectă o nouă filozofie a suveranității: statul este liber doar în măsura în care își respectă obligațiile asumate.

3. Individul ca subiect al dreptului internațional

Dezvoltarea dreptului internațional al drepturilor omului, a dreptului penal internațional și a dreptului umanitar a condus la *emergența individului ca subiect derivat al dreptului internațional public*.

În planul protecției drepturilor omului, *Convenția Europeană a Drepturilor Omului* (1950) reprezintă un moment de cotitură. Pentru prima dată, indivizii pot *formula plângeri directe împotriva statelor* în fața unei instanțe internaționale – Curtea Europeană a Drepturilor Omului (CEDO). Acest aspect a transformat radical raportul individ–stat, consacrand principiul *responsabilității internaționale pentru încălcarea drepturilor individuale*².

În dreptul penal internațional, *Tribunalul de la Nürnberg* (1945–1946) a instituit principiul responsabilității penale individuale pentru crime internaționale, afirmând că „crimele internaționale sunt comise de oameni, nu de entități abstracte”³. Această abordare a fost continuată de *Tribunalele pentru fosta Iugoslavie și Rwanda*, precum și de *Curtea Penală Internațională (CPI)*, creată prin Statutul de la Roma (1998). Cassese subliniază că aceste instituții „au consacrat individul ca participant direct la ordinea internațională, responsabil și răspunzător în fața acesteia”.

De asemenea, în dreptul internațional umanitar, protecția civililor, statutul prizonierilor de război și drepturile refugiaților confirmă aplicarea directă a normelor internaționale asupra persoanelor fizice. După cum arată Malcolm Shaw, „dreptul internațional umanitar și al drepturilor omului au șters frontiera dintre dreptul statelor și dreptul indivizilor”.

Prin urmare, individul nu mai este doar actor pasiv, ci *actor activ* în sistemul juridic internațional. Calitatea sa de subiect rămâne derivată, dar influența sa practică – mai ales prin jurisprudența CEDO, CPI și a comitetelor ONU – devine determinantă pentru evoluția dreptului internațional contemporan.

Principalele aspecte ale statutului unui individ

Statut juridic Complex: statutul juridic al unei persoane este o combinație de norme juridice interne și internaționale care stabilesc atât drepturile, cât și obligațiile sale.

Drepturi procedurale: persoanele fizice sunt înzestrate cu capacitate juridică procedurală, dar pentru participarea reală la relațiile juridice trebuie să aibă capacitate juridică și juridică.

Drepturile și libertățile fundamentale: dreptul internațional garantează persoanelor o serie de drepturi fundamentale, cum ar fi dreptul la viață, libertatea de gândire, conștiință și religie, libertatea de exprimare și dreptul la un proces echitabil.

Subiectivitate limitată: statutul unui individ nu este echivalent cu statutul statului. El este un subiect de Drept internațional cu personalitate juridică limitată, iar drepturile și obligațiile sale decurg din tratate internaționale specifice.

Teorii ale personalității juridice: există opinii diferite asupra personalității juridice a indivizilor, dar cea mai răspândită este teoria conform căreia statele și organizațiile internaționale sunt subiectele principale, iar indivizii au anumite puteri internaționale⁴.

În acest context, deși aflată în centrul atenției doctrinarilor, preocuparea pentru ființa umană constituind esența dreptului, în general, și a dreptului internațional, în special, situația sa în ce privește calitatea de subiect de drept internațional a individului, statutul său în ordinea juridică internațională⁵ rămâne încă neclară și temă controversată în literatura de specialitate.

Ian Brownlie susține că în termeni strict analitici nu se poate afirma că individul este subiect de

¹ Consiliul Europei. *Convenția Europeană a Drepturilor Omului*, 1950, art. 34. [On-line:] https://www.echr.coe.int/documents/d/echr/convention_ron (Accesat 07.11.2025).

² Ibid.

³ Tribunalul de la Nürnberg. *Judgment and Sentences*, 1946. [On-line:] <https://avalon.law.yale.edu/imt/judgen.asp> (Accesat 07.11.2025)

⁴ Radnik, Ukrainskii iuridichnii portal. [On-line:] <http://radnuk.info/ros-pidrychnuk/mejdunarodnoe/531-ignatenko/13350-s-13----.html> (Accesat 10.11.2025).

⁵ Ciucă, A., *Persoana fizică în dreptul internațional public*. Prolegomene, Iași, România, Lumen, 2017, p.23.

drept internațional¹, dar precizează, încă din ediția din 1966 a principiilor de drept internațional, că „nu există o regulă generală că individul nu poate fi un subiect de drept internațional și, în anumite contexte, el apare ca o persoană juridică pe plan internațional”.²

Analiza evoluției concepțiilor referitoare la calitatea de subiect al raporturilor de drept internațional relevă teorii diametral opuse, unii autori admitând fără echivoc această calitate persoanei fizice, alții contestând includerea sa în rândul subiectelor dreptului internațional. Astfel, dacă Bluntschli considera că statele sunt singurele subiecte ale dreptului internațional³, Scelle și Duguit afirmau că numai indivizii pot fi subiecte de drept, teorie respinsă, însă, de H. Triepel, D. Anzilotti, W.G.F. Philimore și alți doctrinari pozitiviști⁴. Enunțate în mod plastic, unele susțineri pro și contra reflectă argumente de chintesență juridică referitoare la entitatea colectivă denumită de juriștii francezi „persoană morală”. Au devenit notorii replicile a doi mari juriști francezi, L. Duguit și, se pare, J.C. Soyer, care susțineau, unul ideea existenței persoanei morale, iar celălalt dezacordul privind existența altei persoane în afara ființei umane: „Eu nu am dejunat niciodată cu o persoană juridică”; și replica: „Nici eu, dar eu am văzut-o deseori plătind chitanța”.⁵

Deși preocuparea pentru protecția ființei umane își are originea în dreptul natural, având rădăcini antice, dezvoltarea teoriilor pozitivistice ale dreptului, în special în secolul al XIX-lea, blochează această preocupare și își concentrează atenția asupra rolului central și chiar exclusiv al statului în dreptul internațional. În a doua jumătate a secolului al XIX-lea și începutul secolului al XX-lea se înregistrează, însă, pași importanți pe care statele i-au făcut în domeniul regulilor umanitare de purtare a războiului prin adoptarea unor documente internaționale de importanță majoră în acest domeniu. Amintim Convenția de la Geneva pentru îmbunătățirea soartei soldaților răniți din armatele în campanie (22 august 1864), dar și ampla codificare a legilor și obiceiurilor războiului întreprinse prin cele două conferințe de la Haga din 1899 și 1907.⁶

Convinse că aceste codificări conțin lacune, statele semnatare ale acestor convenții au introdus în preambulul convențiilor de la Haga din 1899 clauza Martens în al cărei conținut se prevăd următoarele: „Până la elaborarea unui corp mai complet al legilor războiului, înaltele părți contractante declară că, în cazurile în care n-au fost prevăzute în reglementările adoptate de ele, locuitorii și beligeranții rămân sub protecția și sub reglementarea dreptului ginților, așa cum rezultă ele din obiceiurile stabilite de popoarele civilizate, din legile umanității și din imperativele conștiinței publice.”⁷

Cel de-al doilea război mondial a generat în dreptul internațional tendința atașării responsabilității directe a indivizilor pentru crimele comise împotriva păcii și securității. Ca urmare, prin sentințele Tribunalului Internațional de la Nuremberg și Tokyo au fost condamnați criminalii de război sau persoanele care au comis crime împotriva comunității.⁸

Tribunalul Internațional de la Nuremberg a subliniat că „dreptul internațional impune îndatoriri și obligații atât persoanelor, cât și statelor” și că „crimele împotriva dreptului internațional sunt comise de oameni, nu de entități abstracte și numai prin pedepsirea persoanelor care comit astfel de infracțiuni pot fi aplicate prevederile dreptului internațional”.⁹

¹ Brownlie, I. *Principles of Public International Law*, 6th edition. OUP, Oxford, 2003, p.65.

² Clapham, A., *The Role of the Individual in International Law*. În EJIL, vol. 21, no. 1, 2010, p.26.

³ Bluntschli, M., *Le droit international codifié*, Éd.Guillaumin, Paris, 1881, p.64.

⁴ Dumitrescu, L. *Poziția individului în raporturile juridice internaționale*. În Revista de Studii Juridice Revista de Științe Juridice nr. 3, 2008, p.72.

⁵ Apud Târșia, A. C., *Reorganizarea persoanei juridice de drept privat*, Ed. Hamangiu, 2012, p.5.

⁶ Pentru detalii referitoare la aceste convenții, a se vedea, de exemplu, Rousseau, C. *Droit international public approfondi*, Ed. Précis Dalloz, Paris, 1958, p. 317-318; Geamănu, G., *Dreptul internațional contemporan*, vol. II, Ediție a II-a revizuită și adăugită. Editura Didactică și Pedagogică, București, 1975, p. 361 și urm.

⁷ Geamănu, G., *Dreptul internațional contemporan*, vol. II, Ediție a II-a revizuită și adăugită. Editura Didactică și Pedagogică, București, 1975, p. 366.

⁸ Dumitrescu, L. *Poziția individului în raporturile juridice internaționale*. În Revista de Studii Juridice Revista de Științe Juridice nr. 3, 2008, p.73.

⁹ International Military Tribunal (Nuremberg), Judgment and Sentences, în The American Journal of International Law, 41(1), 1947, p.220.

În 1946, Adunarea Generală a Organizației Națiunilor Unite afirmă Principiile Cartei Tribunalului de la Nürnberg și deciziile acestui tribunal făcându-le, astfel, parte din dreptul internațional.¹ Prin Rezoluția 96 (I) din același an, Adunarea Generală a Organizației Națiunilor Unite a declarat că genocidul este o infracțiune în temeiul dreptului internațional care poartă răspunderea individuală, fapt reafirmat în textul Convenției pentru prevenirea și reprimarea crimei de genocid din 1948²: „Părțile contractante, confirmând că genocidul, comis atât în timp de pace cât și în timp de război, este o crimă de drept internațional se angajează să-l prevină și să-l pedepsească”.³

Responsabilitatea individuală a fost, de asemenea, confirmată cu privire la încălcările grave ale celor patru convenții de la Geneva din 1949 și ale protocoalelor adiționale I și II din 1977, care se referă la conflictele armate. Pe această bază, au fost înființate cele două tribunale internaționale speciale pentru crime de război, unul pentru fosta Iugoslavie în 1993 și celălalt pentru Rwanda în 1994, pentru urmărirea penală a persoanelor responsabile pentru gravele încălcări ale dreptului internațional umanitar săvârșite pe teritoriul fiecăreia dintre aceste țări. Consiliul de Securitate al O.N.U. a decis, prin Rezoluția 827 din 25 mai 1993, stabilirea unui tribunal internațional pentru scopul unic de a pedepsi persoanele responsabile de violări grave ale dreptului umanitar comise pe teritoriul fostei Iugoslavii între 1 ianuarie 1991, precum și statutul Tribunalului internațional pentru fosta Iugoslavie.⁴

Competența *ratione personae* a Tribunalului se referă la persoanele fizice, autori, coautori, instigatori și complici, care au săvârșit grave violări ale dreptului internațional.⁵ Tribunalul internațional penal pentru pedepsirea persoanelor responsabile de genocid și alte violări grave ale dreptului internațional umanitar comise pe teritoriul Rwandei și a cetățenilor rwandezi responsabili de genocid și alte asemenea violări comise în teritoriul statelor vecine, între 1 ianuarie 1994 și 31 decembrie 1994, a fost înființat prin Rezoluția 955 din 8 noiembrie 1994 a Consiliului de Securitate, în temeiul Capitolului VII al Cartei O.N.U., după modelul Tribunalului internațional pentru fosta Iugoslavie.⁶

Evenimentele din fosta Iugoslavie și din Rwanda au determinat reînnoirea preocupării statelor pentru înființarea unei instanțe penale internaționale permanente, care a constituit una dintre temele permanente ale O.N.U. În 1998, Statutul de la Roma al Curții Penale Internaționale a fost adoptat la Conferința diplomatică a Națiunilor Unite, sub forma unei convenții internaționale, deschisă semnării la 17 iulie 1998, la sediul ONU și a intrat în vigoare la 1 iulie 2002, după depunerea a 60 de instrumente de ratificare.⁷

Statutul include în competența Curții „cele mai grave infracțiuni de interes comunității internaționale în ansamblu”, care constituie infracțiunea de genocid, crime împotriva umanității, crime de război și crima de agresiune și prevede că „persoana care comite o infracțiune aflată în jurisdicția Curții este individual responsabilă și răspunzătoare pentru pedepsire în conformitate

¹ Adunarea Generală a ONU, Rezoluția 95(I)- Afirmarea principiilor de drept internațional recunoscute de Carta Tribunalului de la Nuremberg, 1946, United Nations Audiovisual Library of International Law: http://legal.un.org/avl/pdf/ha/ga_95-I/ga_95-I_ph_e.pdf; Pentru detalii referitoare la formularea și afirmarea „Principiilor de Drept Internațional recunoscute în Carta Tribunalului de la Nürnberg și în hotărârea tribunalului”, a se vedea, de exemplu, Deteșeanu, D.-A., *Crima internațională. Abordări convenționale și dezvoltări jurisprudențiale*. Ed. Universul Juridic, București, 2016, p.72-75.

² Convenția pentru prevenirea și reprimarea crimei de genocid a fost adoptată și deschisă spre semnare de Adunarea Generală a Națiunilor Unite prin Rezoluția 260A (III) din 9 decembrie 1948. Ea a intrat în vigoare la 12 ianuarie 1951, conform dispozițiilor art. XIII. România a aderat la Convenție la 2 noiembrie 1950 prin Decretul nr. 236, publicat în „Buletinul Oficial al României”, partea I, nr. 110 din 2 decembrie 1950.

³ United Nations, *Convention on the Prevention and Punishment of the Crime of Genocide*, 1948, United Nations Treaty Collection. [On-line:] <https://treaties.un.org/doc/publication/unts/volume%2078/volume-78-i-1021-english.pdf> (Accesat 10.11.2025).

⁴ Scăunaș, S., *Drept internațional public*, Ed. 2. Ed. C.H.Beck, București, 2007, p.409-410.

⁵ Maftai, J., *Drept internațional public*. Ed. Pro Universitaria București, Ed. Universitară „Danubius” Galați, 2010, p.159.

⁶ Selejan-Guțan, B., & Crăciunean, L.-M., *Drept internațional public* Ed. Hamangiu, București, 2008, p.242-243.

⁷ Diaconu, D., *Curtea penală internațională: istorie și realitate*, All Beck, București, 1999, p.36.

cu prezentul Statut.”¹ (art.25)

Dar după cel de-al doilea război mondial, dreptul internațional a devenit, de asemenea, preocupat de individ/persoană fizică mai ales din perspectiva drepturilor omului și a libertăților fundamentale. Această tendință o regăsim în Carta Națiunilor Unite, adoptată la 26 iunie 1945, care invită statele membre să respecte drepturile omului și libertățile fundamentale ale indivizilor și ale popoarelor. Carta Organizației Națiunilor Unite reafirmă credința popoarelor în demnitatea și valoarea ființei umane și stabilește ca obiectiv al Organizației, în același timp cu menținerea păcii și securității, înfăptuirea colaborării în promovarea și încurajarea respectării drepturilor și libertăților fundamentale față de toate persoanele, fără deosebire de rasă, sex, limbă sau religie.

Cooperarea statelor în cadrul Organizației Națiunilor Unite s-a concretizat în adoptarea unor texte fundamentale în materia drepturilor omului cu caracter de universalitate, documente care stau la baza întregii construcții juridice internaționale referitoare la drepturile omului, deoarece prevederile din aceste documente constituie adevărate standarde internaționale ale drepturilor omului²

Reper important pentru această materie rămâne Declarația Universală a Drepturilor Omului, adoptată la 10 decembrie 1948, concepută ca document-cadru care să consacre drepturile și libertățile fundamentale ale omului la nivel mondial,³ document cu valoare emblematică, care consacră încă din Preambul idealul comun spre care trebuie să tindă toate popoarele și toate națiunile „*pentru ca toate persoanele și toate organele societății, având permanent în vedere această declarație, să se străduiască, prin învățatură și educație, să dezvolte respectul pentru aceste drepturi și libertăți și să asigure, prin măsuri progresive de ordin național și internațional, recunoașterea și aplicarea lor universală și efectivă atât în cadrul statelor membre înseși, cât și în teritoriile aflate sub jurisdicția lor*”.

Problema protecției drepturilor omului a căpătat o amploare deosebită după adoptarea Cartei O.N.U. și a Declarației Universală a Drepturilor Omului, au fost create prin acte internaționale organisme cu vocație de universalitate și organisme regionale cu competențe în acest domeniu, prin care statele se obligă să ia măsuri legislative și administrative pentru a asigura cadrul juridic necesar și mijloacele adecvate exercitării drepturilor și libertăților fundamentale de către toți oamenii, fără discriminare, fapt ce scoate în evidență importanța acordată de state cooperării în această materie. Reglementările internaționale în materia drepturilor omului s-au dezvoltat ulterior adoptării acestor documente, statele au negociat și adoptat numeroase convenții, pacte, tratate sub egida unor organizații internaționale sau regionale: Națiunile Unite, Consiliul Europei, Uniunea Europeană etc. În cuprinsul acestora, individul este considerat destinat și beneficiar al normelor de drept internațional, este protejat fie în calitate de ființă umană individuală, fie ca membru al unui grup de persoane.

Putem observa lesne că evoluția dreptului internațional reflectă preocuparea permanentă a statelor referitor la individ/persoană fizică, care este destinat al normelor cu caracter internațional atât în ceea ce privește protecția drepturilor și libertăților fundamentale, cât și angajarea răspunderii individuale.

Calitatea de subiect de drept a persoanei fizice în ordinea juridică internă este incontestabilă. Statutul individului s-a schimbat, însă, și în cadrul dreptului internațional în ultimii 60-70 de ani. În găsim pe individ titular de drepturi, dar și purtător al unor obligații cu caracter internațional. Analiza evoluției conceptului de subiect de drept, din perspectivă istorică, evidențiază trecerea de la concepția potrivit căreia doar statele pot avea calitatea de subiect de drept internațional (individul fiind, în esență, subiect de drept intern), către opiniile unor autori care printre subiectele de drept internațional includ și individul – persoană fizică.

Observăm, așadar, că unii autori așează individul în centrul normelor de drept internațional. Adoptarea de către state a unor documente internaționale prin care se oferă protecție în materia

¹ Rome Statut of the International Criminal Court. [On-line:] https://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf (Accesat 10.11.2025).

² Maftai, J., *op.cit.*, 2010, p.116.

³ Mazilu, D, *Dreptul internațional public, vol.I*, Ed. Lumina Lex, București, 2010, p.319.

drepturilor și libertăților fundamentale ale omului, crearea și dezvoltarea unor mecanisme prin care individul se poate adresa pentru protecția drepturilor sale în mod direct unor instituții și instanțe judiciare internaționale, precum și recunoașterea individului ca subiect al răspunderii internaționale penale vin să argumenteze ideea calității de subiect de drept internațional public a persoanei fizice.

În literatura de specialitate s-a reținut, însă, și opinia contrară, considerându-se că persoanele fizice sunt „subiecte a căror prezență este tolerată de state în ordinea internațională”¹. Adepții acestei teorii consideră că individul poate apărea în cadrul raporturilor internaționale numai dacă statele își manifestă voința în acest sens; că el nu va putea fi titularul drepturilor enunțate într-un tratat internațional, dacă statele îi conferă prin acordul lor anumite prerogative în relațiile internaționale, așadar persoanelor fizice au o poziție mediată în cadrul raporturilor de drept internațional.

4. Echilibrul dintre suveranitate și drepturile individului

Relația dintre stat și individ trebuie înțeleasă astăzi în termenii *complementarității*, nu ai opoziției. Statul rămâne cadrul instituțional esențial pentru exercitarea drepturilor omului, iar respectarea acestor drepturi conferă legitimitate suveranității sale.

Doctrina contemporană a consacrat noțiunea de „*responsibility to protect*” (R2P), potrivit căreia *suveranitatea implică și obligația de a proteja populația împotriva genocidului, crimelor de război și crimelor împotriva umanității*². Astfel, neîndeplinirea acestei obligații poate justifica intervenția comunității internaționale, sub mandatul ONU.

În viziunea contemporană statul modern își afirmă suveranitatea prin cooperare și participare la sistemul juridic internațional, iar respectul pentru individ devine măsura maturității sale politice și morale.

Această concepție este întărită de jurisprudența CEDO, care subliniază că protecția drepturilor omului constituie „esența democrației constituționale” și criteriul fundamental al legitimității statale. În acest sens, *suveranitatea responsabilă* nu limitează, ci întărește rolul statului în ordinea internațională, transformându-l dintr-un actor izolat într-un partener al comunității globale.

5. Concluzii

Evoluția dreptului internațional public demonstrează o redefinire structurală a relației dintre stat și individ, de la subordonare la parteneriat juridic. Statul rămâne subiectul originar al ordinii internaționale, dar exercitarea suveranității sale este inseparabilă de respectarea drepturilor omului și de asumarea răspunderii internaționale.

În același timp, individul a dobândit calitatea de subiect derivat, consolidată prin instrumente juridice și jurisprudență internațională. Prin tratatele privind drepturile omului, prin mecanismele penale și umanitare, persoana fizică devine titular efectiv de drepturi și obligații internaționale.

Această transformare confirmă direcția unei *umanizări a dreptului internațional*, orientată către protejarea demnității umane ca valoare universală. Așa cum afirmă Cassese, viitorul dreptului internațional depinde de capacitatea sa de a proteja ființa umană, fără a anula legitimitatea statelor.

Prin urmare, *echilibrul dintre autoritatea statului și protecția individului* nu este doar o exigență juridică, ci și o condiție de durabilitate a ordinii internaționale. Într-o lume globalizată și interdependentă, acest echilibru devine fundamentul unei suveranități responsabile și a unei demnități universale efective.

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**TRIBUNA TÎNĂRULUI CERCETĂTOR
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ТРИБУНА МОЛОДЫХ УЧЕНЫХ**

**HUMAN CAPITAL DEVELOPMENT AND ACTIVE LABOR
MARKET POLICIES IN SLOVAKIA**

**DEZVOLTAREA CAPITALULUI UMAN ȘI POLITICILE ACTIVE
ALE PIEȚEI MUNCII ÎN SLOVACIA**

**РАЗВИТИЕ ЧЕЛОВЕЧЕСКОГО КАПИТАЛА И АКТИВНАЯ ПОЛИТИКА
НА РЫНКЕ ТРУДА В СЛОВАКИИ**

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ABSTRACT:

**HUMAN CAPITAL DEVELOPMENT AND ACTIVE LABOR
MARKET POLICIES IN SLOVAKIA**

This paper analyses how Slovakia's Active Labour Market Policies (ALMP) contribute to human capital development by combining demand-side financing instruments—voucher schemes and the pilot of Individual Learning Accounts (ILA)—with centrally procured, employer-linked programmes. Building on administrative evidence from RE-PAS/REPAS+ and KOMPAS+, and on centrally organised initiatives such as “Ready for Work” and “Ready for Work in Industry,” the study synthesises theoretical foundations, legal developments and programme outcomes to assess employability effects and the accumulation of productivity-enhancing skills.

The new Act on Adult Learning (No. 292/2024) introduces micro-credentials and ILA, complements the Employment Services Act (No. 5/2004), and aligns the Slovak framework with European approaches. Results show high completion and meaningful short-term job placement among completers of voucher-based schemes, while centrally procured programmes address sectoral needs through shared infrastructure and employer partnerships. The paper recommends a blended policy model that scales ILA with quality assurance, links provision to qualification standards and micro-credentials, and invests in guidance and information systems to make learner choice effective.

Keywords: human capital; ALMP; vouchers; Individual Learning Accounts; micro-credentials; Centres of Vocational Excellence; Slovakia.

JEL Classification: K31; F66; J45; J50

Universal Decimal Classification: 331.5; 314.17:331.5

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РЕЗУМАТ:
DEZVOLTAREA CAPITALULUI UMAN ȘI POLITICILE ACTIVE
ALE PIEȚEI MUNCII ÎN SLOVACIA

Această lucrare analizează modul în care politicile active ale pieței muncii (ALMP) din Slovacia contribuie la dezvoltarea capitalului uman prin combinarea instrumentelor de finanțare a cererii - scheme de vouchere și proiectul pilot al Conturilor Individuale de Învățare (ILA) - cu programe achiziționate centralizat, legate de angajator. Bazându-se pe dovezi administrative din RE-PAS/REPAS+ și KOMPAS+ și pe inițiative organizate centralizat, cum ar fi „Ready for Work” și „Ready for Work in Industry”, studiul sintetizează fundamentele teoretice, evoluțiile juridice și rezultatele programului pentru a evalua efectele asupra angajabilității și acumularea de competențe care sporesc productivitatea.

Noua Lege privind învățarea adulților (nr. 292/2024) introduce micro-certificate și ILA (Individual Learning), completează Legea privind serviciile de ocupare a forței de muncă (nr. 5/2004) și aliniază cadrul slovac cu abordările europene. Rezultatele arată o rată ridicată de absolvire și o plasare semnificativă pe termen scurt în rândul absolvenților schemelor bazate pe vouchere, în timp ce programele achiziționate centralizat abordează nevoile sectoriale prin intermediul infrastructurii comune și al parteneriatelor cu angajatorii. Documentul recomandă un model de politici mixte care să adapteze ILA la asigurarea calității, să lege furnizarea de standardele de calificare și micro-certificate și să investească în sisteme de orientare și informare pentru a face alegerea cursantului eficientă.

Cuvinte cheie: capital uman; PMAP; vouchere; Conturi individuale de învățare; micro-certificate; Centre de excelență profesională; Slovacia.

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РЕЗЮМЕ:
РАЗВИТИЕ ЧЕЛОВЕЧЕСКОГО КАПИТАЛА И АКТИВНАЯ ПОЛИТИКА
НА РЫНКЕ ТРУДА В СЛОВАКИИ

В данной работе анализируется, как активная политика на рынке труда (АПРТ) Словакии способствует развитию человеческого капитала, сочетая инструменты финансирования, ориентированные на спрос (ваучерные программы и пилотный проект Индивидуальных образовательных счетов (ИЛС), с централизованно реализуемыми программами, связанными с работодателями. Опираясь на административные данные RE-PAS/REPAS+ и KOMPAS+, а также на централизованно организованные инициативы, такие как «Готов к работе» и «Готов к работе в промышленности», исследование синтезирует теоретические основы, правовые разработки и результаты программ для оценки влияния на трудоустройство и накопления навыков, повышающих производительность труда.

Новый Закон об обучении взрослых (№ 292/2024) вводит микро-дипломы и систему ИЛА, дополняет Закон о службах занятости (№ 5/2004) и согласует словацкую систему с европейскими подходами. Результаты показывают высокий уровень завершения обучения и значимое краткосрочное трудоустройство среди участников программ, основанных на ваучерах, в то время как централизованно закупаемые программы удовлетворяют потребности отраслей посредством общей инфраструктуры и партнерства с работодателями. В документе рекомендуется смешанная модель политики, которая масштабирует ИЛА с обеспечением качества, связывает предоставление образования с квалификационными стандартами и микро-дипломами, а также инвестирует в системы руководства и информации для обеспечения эффективности выбора обучающихся.

Ключевые слова: человеческий капитал; ALMP; ваучеры; индивидуальные счета обучения; микро-дипломы; центры профессионального мастерства; Словакия.

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Introduction

Human capital—the stock of knowledge, skills and health embodied in individuals—plays a decisive role in productivity growth and social inclusion. In Slovakia, the labour market over the last decade has benefited from favourable cyclical conditions and demographic shrinkage of working-age cohorts, which mechanically reduced unemployment but did not automatically translate into a broad expansion of high-value jobs. This underscores the need to raise adult participation in learning and to steer public support towards pathways that generate productivity-enhancing skills and enable occupational mobility, thereby reducing the risk of future structural unemployment [4][5]. At the same time, employer surveys point to persistent shortages in digital, technical and soft skills and to heterogeneous training investments across firm sizes, motivating an integrated policy approach that leverages both demand-side instruments and centrally procured training to deliver agility, scale and quality.

Conceptual Framework: Human Capital and Demand-Side Financing

Human capital theory treats education and training as investments with both general and firm-specific returns [13]. Demand-side financing instruments—vouchers and ILA—seek to correct information asymmetries and liquidity constraints by empowering individuals to choose among accredited providers, improving portability and stimulating quality-based competition. OECD describes these instruments as mechanisms that “empower individuals to choose their own training among a set of courses offered by providers,” while stressing the need for robust quality assurance and information systems [1, p. 5; 1, pp. 49–52]. Cedefop shows that vouchers can increase responsiveness, target resources more effectively and improve transparency, yet impact depends on design (eligibility, co-payment, ceilings, guidance and accreditation) [2, pp. 27–30]. Within ALMP evaluation, risks of deadweight, displacement/substitution and lock-in during participation require careful targeting and modular, flexible provision [10][11].

Legal and Institutional Architecture

Slovakia’s adult learning framework has been modernised. The Act on Adult Learning (No. 292/2024, effective 1 January 2025) defines providers and outputs, introduces micro-credentials and ILA, and strengthens verification of learning outcomes. The Employment Services Act (No. 5/2004) regulates ALMP instruments and funding streams for training (including course fees, travel and accommodation) administered by public employment services. Together, these laws align with the Council Recommendation on a European approach to micro-credentials, creating the basis for flexible, portable and quality-assured opportunities [7][6][8]. In addition, the VET Act (No. 61/2015) anchors Centres of Vocational Excellence (CoVE) and enterprise schools, enabling work-based learning on modern equipment and closer links to employers’ skill needs [12][14].

Programmes, Data and Methods

This paper draws on administrative aggregates from the Slovak Public Employment Services and programme documentation to compare voucher-based and centrally procured models. Voucher schemes (RE-PAS/REPAS+, KOMPAS+) channelled public support to individuals who enrolled with accredited providers; centrally procured programmes—“Ready for Work” and “Ready for Work in Industry”—were designed and delivered with employer partnerships and shared infrastructure, often via CoVE. The emerging ILA pilot (POZIVU) is intended to make support portable across providers and responsive to individual learning plans [3][6]. Key indicators include participation, completion and job placement within 3 to 6 months of course completion, along with cost per completer and cost per placed participant. Basic statistical comparisons (shares with 95% confidence intervals) are used to benchmark outcomes across programmes and participant subgroups; where appropriate, we discuss composition effects and selection and reference evidence from randomised and quasi-experimental studies on adult training [2][9][11].

Results

Administrative records indicate strong short-term outcomes for voucher-based schemes. In the analysed period there were 89,809 applications, 65,843 enrolments, 64,600 completions (a completion rate of 98.11%), and 30,300 job placements within six months after completion (an

overall placement rate of 46.90%; 48.83% for RE-PAS/REPAS+) among completers. Outcomes vary by region, participant characteristics (age, duration of unemployment, education, disadvantage) and course profile (field, duration, provider type). These results—while encouraging—also reflect selection into programmes and heterogeneous labour-market conditions, reinforcing the need for graduate tracking and linked data to assess medium-term effects on earnings, occupational mobility and job quality [3][9].

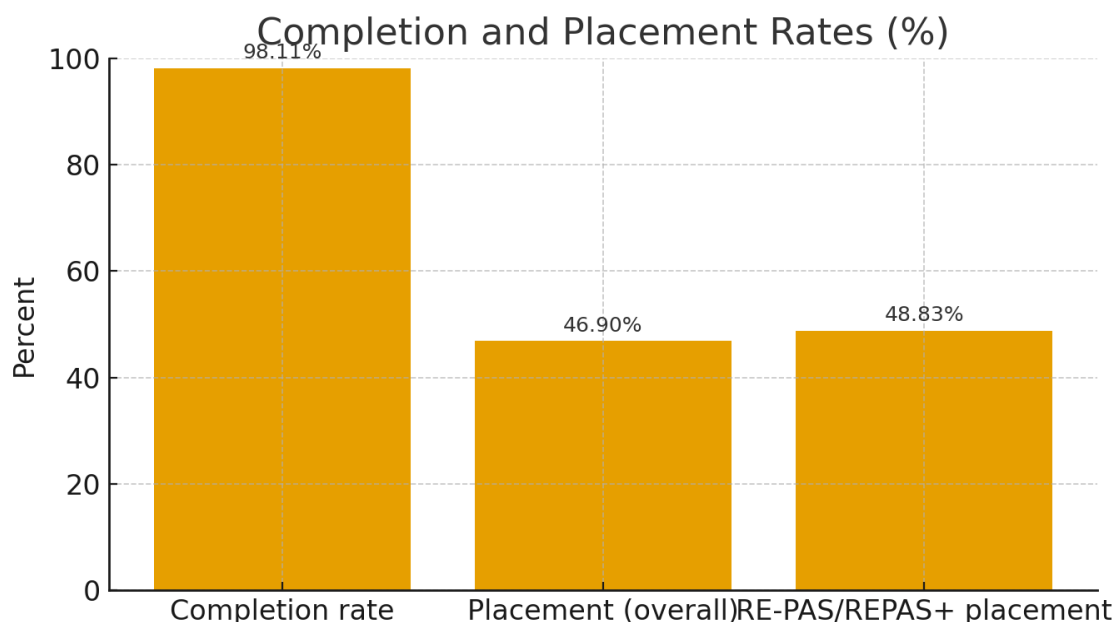


Fig. 1. Participant flow through voucher-based schemes (administrative records)

As shown in Fig. 2, the completion rate reached 93.83%, the overall placement rate 46.90%, and the RE-PAS/REPAS+ placement rate 48.83%.

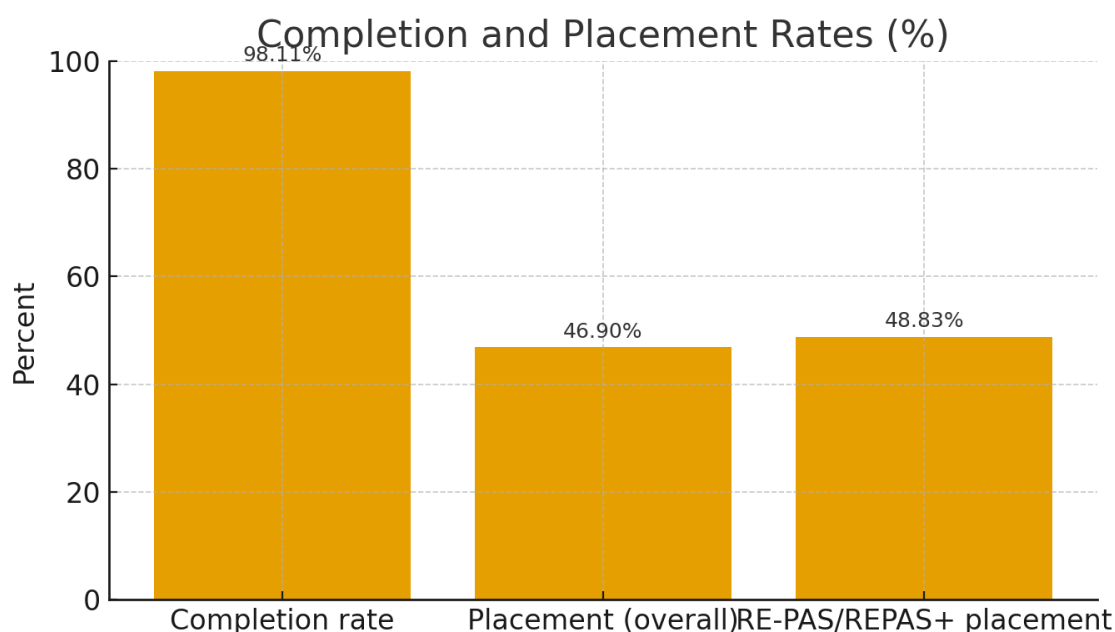


Fig. 2. Completion and placement rates in voucher-based schemes (percentages)

Central procurement complements vouchers in sectors requiring fast capacity build-up, standardised content or expensive equipment. Programmes such as “Ready for Work in Industry” leverage CoVE infrastructure and employer input to update curricula and deliver work-based learning. Early insights suggest these programmes can reduce time-to-productivity for new hires

and align training with regional specialisations, but they require careful governance to avoid crowding out effective market provision and to maintain quality thresholds [14].

Table 1

Key performance indicators for voucher-based schemes (administrative records)

Indicator	Count / Value	Definition / Note
Applications	89,809	Number of applications
Enrolments	65,843	Approved and enrolled participants
Completions	64,600	Completed training
Placements (6 months)	30,300	Placed within 6 months after completion
Rates		
	Completion: 98.11% Placement: 46.90% RE-PAS/REPAS+ placement: 48.83%	
		Computed from administrative records

Discussion: Design Lessons and Risks

The effectiveness of vouchers and ILA depends on eligibility targeting (e.g., workers in transition, low-qualified, displaced), co-payment and annual ceilings, linkages to qualification standards and micro-credentials, and rigorous provider/course quality assurance. Public support should prioritise transitions into occupations with demonstrated demand and higher value-added, while investing in guidance (career services) and transparent performance information on courses and providers to make learner choice meaningful [1][10]. Deadweight and displacement can be reduced by targeting groups with binding constraints, conditioning support on priority fields, and leveraging co-funding to signal commitment. Lock-in can be mitigated through modular designs, blended formats and workplace learning that maintain labour-market attachment during participation [11].

Institutions and Partnerships

Institutions shape success. Public employment services target and fund training, education authorities accredit providers and set standards (including micro-credentials), sectoral councils signal skills demand, and VET providers—including CoVE and enterprise schools—deliver training and workplace learning. Enterprise schools established by employers combine initial VET with continuing VET for employees and regional partners, enabling rapid equipment updates, curriculum alignment and shorter time-to-productivity [12][13]. CoVE provide shared infrastructure and innovation-oriented environments serving both youth and adults; they amplify spill-overs and support teacher/instructor upskilling [14].

Policy Recommendations

1) Scale a blended model that couples portable, learner-centred instruments (ILA, vouchers) with strategically procured sectoral programmes where scale and standardisation are required. 2) Strengthen quality assurance via micro-credential standards linked to national qualification frameworks; require provider accreditation and routine outcome reporting (employment, wages) at course level. 3) Build guidance and information layers: career services, skills assessments, user-friendly portals with course ratings and labour-market intelligence; ensure accessibility for low-digital-skill users. 4) Enable co-funding and targeted incentives for shortage occupations; consider tax measures to support upskilling/reskilling by SMEs. 5) Institutionalise evaluation cycles: estimate cost-effectiveness, monitor deadweight/displacement, and iterate parameters via pilot-test-scale approaches [1][2][9][10][11]. 6) Leverage CoVE and enterprise schools for

work-based, technology-rich provision serving both youth and adults; integrate sectoral councils for demand signalling [12][14].

Limitations and Future Research

Administrative data do not fully capture medium-term earnings, job quality or occupational mobility; selection and composition effects may bias simple comparisons. Future work should link training records to tax/earnings registers and conduct graduate tracking to assess persistence of impacts. Randomised pilots or quasi-experimental designs (e.g., regression discontinuity, difference-in-differences) could help estimate causal effects of specific design choices (co-payment levels, guidance intensity, priority fields). Finally, richer employer data would improve measurement of productivity effects and spill-overs.

Conclusion

Slovakia now has legal and institutional tools to make adult learning more inclusive, efficient and aligned with economic transformation. A blended approach that combines portable, learner-centred instruments (vouchers, ILA) with strategically procured, sector-specific programmes—anchored in robust quality assurance, micro-credentials, guidance and transparent data—can accelerate reskilling and upskilling towards higher value-added employment. Tight partnerships with employers, CoVE and enterprise schools will be critical to convert public investment into durable gains in productivity and labour-market resilience.

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**TRIBUNA TÎNĂRULUI CERCETĂTOR
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ТРИБУНА МОЛОДЫХ УЧЕНЫХ**

STRUCTURA, COMPETENȚELE ȘI NECESITĂȚILE REFORMĂRII ONU

STRUCTURE, POWERS AND NEEDS OF UN REFORM

**СТРУКТУРА, КОМПЕТЕНЦИИ И ПОТРЕБНОСТИ
РЕФОРМИРОВАНИЯ ООН**

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ABSTRACT:

STRUCTURE, POWERS AND NEEDS OF UN REFORM

The United Nations (UN) is the foundation of modern international legal architecture, having been created in 1945 in response to the tragedy of World War II and the failure of the league of Nations. Its role is to ensure international peace and security, promote human rights, international cooperation and harmonious global development. The UN brings together 193 member states, making it the largest existing multilateral institutional framework. The UN Charter, adopted in San Francisco, remains the "Constitution of the international community," providing the legal basis for all its powers.

In essence, the emergence of the UN was a turning point in the evolution of international law, since for the first time states consented to create an organization with its own international legal personality, endowed with the ability to act and adopt decisions with global impact. The UN Charter enshrined the principle of collective security – a joint commitment of states to respond in solidarity to threats to peace-replacing the bilateral or regional system of the interwar period, marked by fragility and inefficiency. At the same time, the UN has become an indispensable forum for multilateral diplomacy, where states can express their interests, negotiate compromises and adopt legal instruments with universal applicability.

Today, the UN functions as a complex network of specialized institutions, mechanisms and agencies designed to manage global problems of unprecedented diversity: armed conflict, international terrorism, climate change, migration, pandemics, unequal economic development, Food Crises, Energy Security, accelerated digitization or artificial intelligence. The UN system reflects, more than any other international structure, the interdependence of the contemporary world, in which regional events have immediate consequences for the entire international community.

Keywords: United Nations (UN), UN Charter, General Assembly, Security Council, Economic and Social Council, International Court of Justice.

JEL Classification: K 33; K 32, F 51: F 64

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РЕЗУМАТ:
СТРУКТУРА, КОМПЕТЕНТЕLE ȘI NECESITĂȚILE REFORMĂRII ONU

Organizația Națiunilor Unite (ONU) constituie fundamentul arhitecturii juridice internaționale moderne, fiind creată în 1945 ca răspuns la tragedia celui de-al Doilea Război Mondial și la eșecul Ligii Națiunilor. Rolul său este acela de a asigura pacea și securitatea internațională, de a promova drepturile omului, cooperarea internațională și dezvoltarea globală armonioasă. ONU reunește 193 de state membre, constituind cel mai amplu cadru instituțional multilateral existent. Carta ONU, adoptată la San Francisco, rămâne „Constituția comunității internaționale”, oferind baza legală pentru toate competențele sale.

În esență, apariția ONU a reprezentat un moment de cotitură în evoluția dreptului internațional, deoarece pentru prima dată statele au consimțit să creeze o organizație cu personalitate juridică internațională proprie, dotată cu capacitatea de a acționa și de a adopta decizii cu impact global. Prin Carta ONU s-a consacrat principiul securității colective – un angajament comun al statelor de a reacționa solidar în fața amenințărilor la adresa păcii –, înlocuind sistemul bilateral sau regional din perioada interbelică, marcat de fragilitate și ineficiență. Totodată, ONU a devenit un forum indispensabil pentru diplomația multilaterală, unde statele își pot exprima interesele, negocia compromisuri și adopta instrumente juridice cu aplicabilitate universală.

Astăzi, ONU funcționează ca o rețea complexă de instituții, mecanisme și agenții specializate, menite să gestioneze probleme globale de o diversitate fără precedent: conflicte armate, terorism internațional, schimbări climatice, migrație, pandemii, dezvoltare economică inegală, crize alimentare, securitate energetică, digitalizare accelerată sau inteligența artificială. Sistemul ONU reflectă, mai mult decât orice altă structură internațională, interdependența lumii contemporane, în care evenimentele regionale au consecințe imediate asupra întregii comunități internaționale.

Cuvinte-cheie: Organizația Națiunilor Unite (ONU), Carta ONU, Adunarea Generală, Consiliul de Securitate, Consiliul Economic și Social, Curtea Internațională de Justiție.

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РЕЗЮМЕ:
СТРУКТУРА, КОМПЕТЕНЦИИ И ПОТРЕБНОСТИ РЕФОРМИРОВАНИЯ ООН

Организация Объединенных Наций (ООН) составляет основу современной международной правовой архитектуры, созданной в 1945 году в ответ на трагедию Второй Мировой Войны и провал Лиги Наций. Его роль заключается в обеспечении международного мира и безопасности, содействии правам человека, международному сотрудничеству и гармоничному глобальному развитию. ООН объединяет 193 государства-члена, составляя самую крупную из существующих многосторонних институциональных рамок. Устав ООН, принятый в Сан-Франциско, остается „Конституцией международного сообщества”, обеспечивая правовую основу для всех его полномочий.

По сути, появление ООН стало поворотным моментом в эволюции международного права, поскольку впервые государства согласились создать организацию с собственной международной правосубъектностью, обладающую способностью действовать и принимать решения с глобальным воздействием. В соответствии с Уставом ООН был закреплён принцип коллективной безопасности – совместное обязательство государств солидарно реагировать на угрозы миру-заменив двустороннюю или региональную систему межвоенного периода, отмеченную хрупкостью и неэффективностью. В то же время ООН стала незаменимым форумом для многосторонней дипломатии, где государства могут выражать свои интересы, договариваться о компромиссах и принимать правовые инструменты с универсальной применимостью.

Сегодня ООН функционирует как сложная сеть специализированных институтов, механизмов и агентств, направленных на решение глобальных проблем беспрецедентного разнообразия: вооруженные конфликты, международный терроризм, изменение климата, миграция, пандемии, неравное экономическое развитие, продовольственные кризисы, энергетическая безопасность, ускоренная оцифровка или искусственный интеллект. Система ООН больше, чем любая другая международная структура, отражает взаимозависимость современного мира, в котором

региональные события имеют непосредственные последствия для всего международного сообщества.

Ключевые слова: Организация Объединенных Наций (ООН), Устав ООН, Генеральная Ассамблея, Совет Безопасности, экономический и Социальный Совет, Международный суд.

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Introducere

Eficiența ONU nu rezultă doar din prerogativele prevăzute în Cartă, ci și din capacitatea sa de a se adapta noilor realități istorice¹. De la supremația bipolară a Războiului Rece, la ascensiunea Global South și până la era multipolarității de astăzi, instituțiile ONU au trecut prin transformări profunde, atât la nivel structural, cât și în elaborarea politicilor globale. Inițiative precum *Agenda 2030 pentru Dezvoltare Durabilă*, *Our Common Agenda* (2021–2024), procesul *Summitului Viitorului* (2024–2025) sau reforma operațiunilor de menținere a păcii demonstrează capacitatea ONU de a răspunde provocărilor emergente prin strategii integrate, colaborative și adaptate contextului geopolitic actual.²

De asemenea, rolul ONU a fost consolidat prin extinderea competențelor sale normative, în special în domeniul protecției drepturilor omului, unde Consiliul Drepturilor Omului și numeroase tratate internaționale au creat un veritabil regim global de monitorizare și responsabilizare. În acest sens, ONU nu este doar o platformă politică, ci și un actor juridic de prim rang, capabil să influențeze comportamentul statelor prin standarde internaționale, mecanisme de raportare și presiune diplomatică.

Nu în ultimul rând, ONU a evoluat și din perspectiva instrumentelor sale operaționale. Misiunile de menținere a păcii au devenit din ce în ce mai complexe, incluzând componente civile, polițienești și militare, iar agenda modernă a organizației pune accent pe prevenirea conflictelor, consolidarea păcii post-conflict și abordarea cauzelor structurale ale instabilității. Într-o lume în continuă schimbare, rolul ONU se transformă permanent, adaptându-se pentru a răspunde provocărilor globale cu eficiență, legitimitate și viziune pe termen lung.

Fundamentul juridic și structura organizației

Carta ONU stabilește șase organe principale: Adunarea Generală, Consiliul de Securitate, Consiliul Economic și Social, Curtea Internațională de Justiție, Secretariatul și Consiliul de Tutelă (acum inactiv).³ Fiecare dintre aceste organe își exercită atribuțiile în mod autonom, dar în spirit de cooperare, potrivit principiilor consacrate în preambulul și articolele Cartei. Fundamentul juridic al ONU reflectă o combinație între dreptul internațional public clasic și noile forme de guvernanță globală, ceea ce conferă organizației o structură unică în sistemul juridic internațional.

Structural, Carta ONU funcționează asemenea unei constituții a comunității internaționale, întrucât stabilește nu doar competențele organelor principale, ci și principiile fundamentale care guvernează relațiile dintre state. Articolele 1 și 2 ale Cartei consacră scopurile organizației: menținerea păcii și securității internaționale, promovarea drepturilor omului, dezvoltarea cooperării internaționale și afirmarea egalității suverane a statelor. Aceste principii constituie temelia întregului sistem ONU și delimitează cadrul juridic în care organele își exercită atribuțiile.

¹ Carta Națiunilor Unite. [On-line:] <https://www.un.org/en/about-us/un-charter> (Accessed 18 November 2025).

² Our Common Agenda Report. [On-line:] https://unfoundation.org/our-common-agenda/?gad_source=1&gad_campaignid=19548803646&gbraid=0aaaaad9kiad64_d3b1icbpht_6_zwwwvqjt&gclid=eaiaiqobchmi9jsi6ub-kamvvjudbx0-6ar8eaayasaagiqppd_bwe (Accessed 18 November 2025).

³ Organizația Națiunilor Unite. [On-line:] https://ro.wikipedia.org/wiki/Organiza%C8%9Bia_Na%C8%9Biunilor_Unite (Accessed 18 November 2025).

În ceea ce privește structura, ONU este organizată pe baza unui model instituțional complex, în care fiecare organ îndeplinește un rol specific într-un ansamblu coerent. Adunarea Generală reprezintă forumul deliberativ universal, în timp ce Consiliul de Securitate exercită competențe executive în domeniul securității internaționale. ECOSOC coordonează dimensiunea economică, socială și de dezvoltare, Curtea Internațională de Justiție oferă cadrul jurisdicțional pentru soluționarea litigiilor, iar Secretariatul asigură funcționarea administrativă a întregului sistem. Consiliul de Tutelă, deși inactiv din 1994, rămâne prevăzut în Cartă ca parte a arhitecturii instituționale.

Un element esențial al fundamentului juridic îl constituie principiul cooperării dintre organele ONU. Deși fiecare organ dispune de un mandat propriu, Carta stabilește interdependența funcțională între acestea. Adunarea Generală poate formula recomandări către Consiliul de Securitate, iar Consiliul de Securitate prezintă rapoarte anuale către Adunarea Generală. ECOSOC cooperează cu AG, cu agențiile specializate și cu statele membre pentru implementarea politicilor de dezvoltare. Curtea Internațională de Justiție poate emite avize consultative la solicitarea AG sau a CS, consolidând unitatea juridică a sistemului.

În doctrină, această structură este adesea descrisă ca un „sistem de checks and balances internațional”, în sensul că nicio instituție nu poate funcționa izolat. Prin acest mecanism, statele au încercat să evite repetarea erorilor comise în perioada interbelică, când lipsa unei coordonări eficiente între instituțiile internaționale a contribuit la declanșarea conflictelor. Prin urmare, modelul ONU reprezintă o evoluție normativă majoră, în care cooperarea instituțională devine un instrument de garantare a ordinii internaționale.

Trebuie menționat, de asemenea, că ONU funcționează pe baza unui dublu nivel juridic: dreptul primar (Carta ONU) și dreptul derivat (rezoluțiile organelor, tratatele adoptate sub egida ONU, standardele internaționale). Carta are prioritate asupra oricărui alt instrument juridic, conform art. 103, ceea ce subliniază poziția centrală a organizației în ordinea juridică internațională. Practic, nicio obligație asumată de un stat prin alte tratate nu poate contraveni obligațiilor sale asumate în cadrul ONU.

De-a lungul timpului, interpretarea Cartei a evoluat semnificativ. Practica organelor ONU, în special a Consiliului de Securitate, a extins sfera aplicării unor articole, adaptându-le realităților contemporane. De exemplu, noțiunea de „amenințare la adresa păcii” (art. 39) a fost interpretată lărgit pentru a include conflictele interne, terorismul internațional, proliferarea armelor de distrugere în masă sau chiar crizele umanitare severe. Această flexibilitate constituie un element-cheie care a permis ONU să rămână relevantă într-o lume în schimbare.

În concluzie, fundamentul juridic și structura ONU reflectă ambiția statelor de a crea o organizație capabilă să gestioneze problemele globale cu eficiență și legitimitate internațională. Arhitectura instituțională prevăzută de Carta ONU constituie un echilibru între suveranitatea statelor și nevoia de acțiune colectivă, iar analiza detaliată a fiecărui organ principal relevă complexitatea mecanismelor prin care comunitatea internațională încearcă să mențină pacea, securitatea și cooperarea globală.

Adunarea Generală – organ deliberativ universal

Adunarea Generală (AGNU) este organul principal reprezentativ al Organizației Națiunilor Unite, consacrat prin articolele 9–22 ale Cartei ONU¹. Ea funcționează după principiul egalității suverane a statelor, fiecare stat membru dispunând de un singur vot, indiferent de mărimea teritorială, puterea militară sau dezvoltarea economică. Această egalitate formală este unul dintre elementele definitorii ale sistemului ONU, întrucât garantează incluziunea tuturor statelor în procesul decizional global și asigură legitimitatea politică a organizației.

AG poate discuta orice problemă care intră în sfera Cartei ONU, ceea ce îi conferă un mandat extrem de larg. Deși deciziile sale nu sunt obligatorii din punct de vedere juridic (cu excepția celor privind bugetul și procedurile interne), rezoluțiile Adunării au o valoare normativă semnificativă. De-a lungul timpului, numeroase rezoluții ale AG au stat la baza formării dreptului internațional

¹ Carta Națiunilor Unite. [On-line:] <https://www.un.org/en/about-us/un-charter> (Accessed 18 November 2025).

cutumiar sau au influențat evoluția doctrinară a anumitor domenii, precum decolonizarea, drepturile omului sau protecția mediului. Exemplul cel mai elocvent este „Declarația Universală a Drepturilor Omului” (1948), adoptată de Adunarea Generală, document care nu avea inițial caracter juridic obligatoriu, dar care a devenit reper fundamental în dreptul internațional contemporan.

Un alt aspect crucial al rolului AG îl reprezintă funcția electorală. Adunarea Generală alege membrii nepermanenți ai Consiliului de Securitate, membrii Consiliului Economic și Social, judecătorii Curții Internaționale de Justiție (în cooperare cu Consiliul de Securitate), precum și Secretarul General al ONU, pe baza recomandării Consiliului de Securitate. Aceste funcții evidențiază poziția centrală a Adunării în mecanismul instituțional al ONU, deoarece prin votul său se configurează componența organelor esențiale pentru funcționarea organizației.

AG are și competențe importante în materie de buget și administrare. Conform articolului 17 din Cartă, Adunarea aprobă bugetul anual al ONU și stabilește cotele de contribuție ale statelor membre. Această funcție este vitală pentru funcționarea eficientă a organizației, întrucât fără adoptarea bugetului nu ar putea fi implementate programele globale, operațiunile de pace sau activitățile agențiilor specializate.

Structura internă a Adunării Generale¹ include șase comitete principale, fiecare având o competență distinctă:

1. **Primul Comitet – Dezarmare și Securitate Internațională (DISEC):** tratează probleme legate de dezarmare nucleară, neproliferare, securitate internațională și reglementarea armamentelor.

2. **Al Doilea Comitet – Afaceri Economice și Financiare (ECOFIN):** abordează dezvoltarea economică, finanțele internaționale, cooperarea economică globală și implementarea Agendei 2030.

3. **Al Treilea Comitet – Afaceri Sociale, Umanitare și Culturale (SOCHUM):** tratează drepturile omului, drepturile copiilor, egalitatea de gen și problemele sociale.

4. **Al Patrulea Comitet – Politic Special și Decolonizare (SPECPOL):** analizează situațiile politice speciale, decolonizarea, operațiunile de pace și ocuparea teritoriilor.

5. **Al Cincilea Comitet – Administrativ și Bugetar (FIFTH):** gestionează bugetul ONU, resursele umane, administrarea internă și auditul.

6. **Al Șaselea Comitet – Juridic (LEGAL):** se ocupă de dezvoltarea dreptului internațional, elaborarea tratatelor, responsabilitatea statelor, imunitățile diplomatice și reforma instituțională.

Fiecare dintre aceste comitete contribuie la consolidarea rolului global al ONU, prin elaborarea de rapoarte, standarde, recomandări și propuneri de rezoluții care sunt ulterior supuse votului în plenul Adunării.

Un element distinctiv al AG este capacitatea sa de a acționa în situații de impas ale Consiliului de Securitate. Rezoluția „Uniting for Peace” (1950) permite Adunării să intervină atunci când Consiliul este blocat de un veto și să recomande măsuri colective, inclusiv utilizarea forței în circumstanțe excepționale. Deși nu are caracter obligatoriu, această procedură a fost folosită în momente cruciale, inclusiv în contextul crizelor recente, ceea ce demonstrează rolul său compensator în arhitectura decizională a ONU.

În contextul global actual, rolul Adunării Generale a devenit și mai important datorită fragmentării geopolitice și creșterii tensiunilor dintre marile puteri. Adunarea a devenit forumul principal unde statele își exprimă pozițiile privind conflictele majore (Ucraina, Orientul Mijlociu, Africa Subsahariană), iar adoptarea rezoluțiilor cu majorități covârșitoare constituie un indicator esențial al opiniei publice internaționale. Rapoartele recente ale Secretarului General subliniază nevoia unui rol extins al AG în supravegherea implementării angajamentelor globale, în special în domeniul dezvoltării durabile, schimbărilor climatice și digitalizării.

¹ Adunarea Generală a Națiunilor Unite. [On-line:] https://ro.wikipedia.org/wiki/Adunarea_General%C4%83_a_Na%C8%9Biunilor_Unite (Accessed 18 November 2025).

Prin urmare, Adunarea Generală nu este doar un organ deliberativ, ci un adevărat motor al guvernantei multilaterale, capabil să creeze norme, să stabilească agende globale și să ofere legitimitate proceselor decizionale internaționale. În absența unei Adunări funcționale și active, ONU și-ar pierde cea mai importantă dimensiune democratică și incluzivă.

Consiliul de Securitate – organul central al securității colective

Consiliul de Securitate (CS) reprezintă organul executiv al Organizației Națiunilor Unite și este investit cu responsabilitatea principală pentru menținerea păcii și securității internaționale, conform articolului 24 din Carta ONU.¹ Este singurul organ ONU ale cărui decizii au caracter obligatoriu pentru toate statele membre, în virtutea articolului 25, care consacră obligația de conformare cu rezoluțiile CS adoptate în temeiul Cartei. Astfel, Consiliul de Securitate se situează în centrul mecanismului securității colective, având competențe fără precedent în dreptul internațional public.

Structura Consiliului este stabilită prin articolele 23–32 ale Cartei ONU și reflectă echilibrul de putere de la sfârșitul celui de-al Doilea Război Mondial. Consiliul este alcătuit din 15 membri, dintre care cinci sunt membri permanenți – Statele Unite ale Americii, Federația Rusă, Republica Populară Chineză, Franța și Regatul Unit al Marii Britanii și Irlandei de Nord – iar zece sunt membri nepermanenți aleși de Adunarea Generală pentru mandate de câte doi ani, cu o repartizare geografică echilibrată. Membrii permanenți dețin dreptul de veto, unul dintre cele mai controversate elemente ale arhitecturii ONU, care permite blocarea oricărei rezoluții substanțiale, indiferent de numărul de voturi favorabile.

Competențele Consiliului variază în funcție de capitolele sub care acționează. În temeiul **Capitolului VI al Cartei**, CS recomandă soluționarea pașnică a diferendelor internaționale prin negociere, mediere, conciliere, anchetă sau alte mijloace pașnice. În practică, Consiliul utilizează acest capitol în fazele incipiente ale tensiunilor internaționale, încercând să prevină escaladarea conflictelor prin adoptarea de declarații prezidențiale, rezoluții de sprijin logistic sau misiuni de observatori.

În schimb, **Capitolul VII al Cartei** conferă Consiliului puteri juridice excepționale. Acesta poate determina existența unei „amenințări la adresa păcii”, a unei „încălări a păcii” sau a unui „act de agresiune” (art. 39), putând impune sancțiuni economice, diplomatice sau militare. Printre instrumentele aflate la dispoziția sa se numără:

- sancțiuni economice sau comerciale, embargouri asupra armelor;
- înghețarea activelor sau restricții de călătorie;
- instituirea de tribunale internaționale ad-hoc (ex: TPI pentru fosta Iugoslavie, TPI pentru Rwanda);
- autorizarea operațiunilor militare colective;
- stabilirea misiunilor de menținere a păcii cu mandat robust.

Consiliul de Securitate dispune de prerogativa exclusivă de a autoriza folosirea forței militare la nivel internațional, aspect care îl diferențiază de orice altă instituție globală. În ultimii ani, această autoritate a fost utilizată pentru conflicte precum Libia (2011), Coasta de Fildeș (2011), Mali (2013) sau Republica Centrafricană (2014).

Unul dintre cele mai semnificative instrumente operative ale Consiliului sunt **operațiunile de menținere a păcii**. Chiar dacă Carta ONU nu menționează explicit „peacekeeping”, CS a dezvoltat în timp acest mecanism pentru a interveni în zone de conflict sau post-conflict. Misiunile moderne includ componente militare, polițienești și civile și vizează protecția civililor, dezarmarea grupărilor armate, sprijin electoral, reforma justiției și consolidarea instituțiilor statului. Totuși, eficiența lor depinde de mandat, resursele alocate și voința politică a membrilor CS.

Rolul Consiliului de Securitate este, însă, puternic influențat de configurația geopolitică globală. În contextul intensificării rivalităților dintre marile puteri, dreptul de veto este utilizat mai frecvent, generând blocaje în adoptarea rezoluțiilor. Crizele recente, precum conflictul din Siria, agresiunea Federației Ruse împotriva Ucrainei sau escaladările din Orientul Mijlociu, au

¹ Consiliul de Securitate al ONU. [On-line:] https://ro.wikipedia.org/wiki/Consiliul_de_Securitate_al_ONU (Accessed 18 November 2025).

demonstrat incapacitatea Consiliului de a acționa unitar în situații critice, ceea ce a alimentat dezbaterile privind reformarea acestui organ. Documente recente ale ONU, inclusiv raportul *Our Common Agenda* și analizele pentru *Summitul Viitorului* din 2024–2025, subliniază necesitatea modernizării CS pentru a reflecta distribuția actuală a puterii globale și pentru a asigura o reprezentare mai echitabilă a statelor din Africa, Asia sau America Latină.

Un alt aspect important îl constituie mecanismele de transparență și responsabilizare ale Consiliului. Pe lângă reuniunile formale, CS organizează sesiuni publice, briefnguri ale Secretarului General și consultări periodice cu statele ne-membre, organizațiile regionale și societatea civilă. De asemenea, președinția Consiliului, exercitată prin rotație lunară de fiecare membru, influențează agenda instituțională și eficiența procesului decizional.

În concluzie, Consiliul de Securitate rămâne instrumentul principal al securității colective, dar eficacitatea sa depinde de capacitatea membrilor săi – în special a celor permanenți – de a coopera în ciuda divergențelor geopolitice. În absența unei reforme semnificative, legitimitatea și funcționalitatea Consiliului pot fi afectate, cu consecințe directe asupra capacității ONU de a menține pacea internațională.

Consiliul Economic și Social – coordonarea globală

Consiliul Economic și Social (ECOSOC)¹ reprezintă organul central al ONU responsabil pentru coordonarea activităților economice, sociale, culturale, educaționale și umanitare, fiind consacrat în articolele 61–72 ale Cartei ONU. Rolul său este esențial în elaborarea politicilor globale de dezvoltare și în supravegherea implementării acestora, constituind principalul pilon al guvernantei internaționale în domeniul dezvoltării durabile. Într-o lume caracterizată de interdependențe profunde și dezechilibre economice majore, ECOSOC este platforma prin care comunitatea internațională urmărește reducerea sărăciei, promovarea progresului social și asigurarea unei dezvoltări echitabile.

ECOSOC este compus din 54 de state membre, alese de Adunarea Generală pentru mandate de trei ani, pe o bază de repartizare geografică echitabilă. Această structură reflectă ambiția de a asigura reprezentarea diversității economice și sociale globale, permițând totodată participarea activă a statelor din Sudul Global – cele mai afectate de sărăcie, schimbări climatice și crize de dezvoltare. Consiliul funcționează atât ca organ deliberativ, cât și ca organ de coordonare, reunind periodic statele membre, agențiile specializate și organizațiile neguvernamentale pentru a analiza probleme globale și pentru a formula recomandări de politică internațională.

Unul dintre cele mai importante roluri ale ECOSOC îl reprezintă coordonarea sistemului ONU în implementarea **Obiectivelor de Dezvoltare Durabilă (ODD)**, adoptate în 2015 prin Agenda 2030. Aceste obiective, în număr de 17, includ combaterea sărăciei, protecția mediului, egalitatea de gen, dezvoltarea infrastructurii, energie accesibilă și curată, creștere economică durabilă și consolidarea instituțiilor. ECOSOC monitorizează progresul înregistrat de state prin rapoarte naționale voluntare, analize regionale și evaluări tehnice elaborate de Comisiile Regionale ale ONU (UNECE, ECLAC, ESCWA, ESCAP, ECA). Acest mecanism permite identificarea punctelor slabe, recomandarea de politici publice și mobilizarea resurselor internaționale.

Un instrument central al ECOSOC este **Forumul Politic la Nivel Înalt privind Dezvoltarea Durabilă (HLPF)**, creat în 2013. Forumul se desfășoară anual sub auspiciile ECOSOC și o dată la patru ani sub auspiciile Adunării Generale. HLPF constituie principala platformă globală pentru evaluarea progresului ODD, reunind guverne, organizații internaționale, societate civilă, mediu academic și sectorul privat. Prin prezentarea rapoartelor naționale voluntare (VNRs), statele își expun realizările și dificultățile, facilitând schimbul de bune practici și cooperarea internațională. Rapoartele HLPF 2022–2024 au subliniat regresul grav în domenii precum reducerea sărăciei, securitatea alimentară și schimbările climatice, accentuând rolul ECOSOC în formularea unui răspuns global coordonat.

¹ Consiliul Economic și Social al Națiunilor Unite. [On-line:] https://ro.wikipedia.org/wiki/Consiliul_Economic_%C8%99i_Social_al_Na%C8%99iunilor_Unite (Accessed 18 November 2025).

ECOSOC exercită și o funcție de supraveghere asupra **agențiilor specializate ale ONU**, inclusiv OMS, UNESCO, FAO, UNDP, OIM, UN-Women și Banca Mondială, facilitând coordonarea programelor acestora. Această dimensiune operațională este crucială, deoarece agențiile specializate constituie infrastructura prin care ONU acționează efectiv în domeniul dezvoltării, sănătății, educației, culturii și migrației. Raportul ECOSOC coordonează anual activitatea a peste 30 de entități ale sistemului ONU, contribuind la evitarea suprapunerilor, eficientizarea resurselor și implementarea unitară a politicilor globale.

O dimensiune importantă o constituie colaborarea ECOSOC cu organizațiile neguvernamentale (ONG-uri), element prevăzut în articolul 71 din Cartă. Mii de ONG-uri au statut consultativ la ECOSOC, participând la elaborarea politicilor globale, la forumuri internaționale și la consultări tematice. Acest mecanism de participare a societății civile este unic la nivel internațional și reflectă tendința de democratizare a guvernanței globale, recunoscând rolul actorilor non-statali în elaborarea politicilor publice internaționale.

ECOSOC gestionează și o serie de comisii funcționale și regionale, dintre care cele mai importante sunt:

- Comisia pentru Dezvoltare Socială (CSocD)
- Comisia Statistică ONU
- Comisia pentru Populație și Dezvoltare
- Comisia pentru Stadiul Femeii (CSW)
- Comisia pentru Narcotice
- Comisia pentru Criminalitate și Justiție Penală
- Comisiile Regionale ale ONU (UNECE, ESCWA, ESCAP, ECA, ECLAC)

Aceste comisii elaborează rapoarte tehnice și recomandări de politică în domenii specializate, constituind baza științifică a deciziilor luate la nivel global.

În ultimii ani, rolul ECOSOC s-a amplificat ca urmare a crizelor interconectate: pandemii, conflicte, inflație globală, criză energetică, schimbări climatice. Rapoartele ONU pentru 2022–2024 au avertizat asupra unei „crize de dezvoltare fără precedent”, subliniind că, în absența unei intervenții coordonate, lumea riscă să nu atingă niciunul dintre ODD-urile stabilite pentru 2030. În acest context, ECOSOC a devenit platforma cheie pentru promovarea „finanțării sustenabile a dezvoltării” și pentru discutarea reformelor sistemului financiar internațional, inclusiv rolul FMI și al Băncii Mondiale în sprijinirea țărilor vulnerabile.

În concluzie, ECOSOC este elementul central al pilonului de dezvoltare al ONU, având un rol determinant în formularea, monitorizarea și coordonarea politicilor globale socio-economice. Într-o lume afectată de crize multiple și interdependențe structurale, relevanța ECOSOC crește permanent, iar capacitatea sa de a coordona eforturile internaționale este crucială pentru realizarea unei dezvoltări durabile, echitabile și incluzive.

Curtea Internațională de Justiție – tribunalul mondial

Curtea Internațională de Justiție (CIJ) reprezintă organul judiciar principal al Organizației Națiunilor Unite, fiind consacrată în Capitolul XIV al Cartei ONU și în Statutul său, care face parte integrantă din Cartă¹. CIJ este singura jurisdicție internațională cu competență generală în materie de litigii între state, ceea ce o diferențiază fundamental de tribunalele internaționale ad-hoc sau de tribunalele penale internaționale. Prin activitatea sa, Curtea contribuie la dezvoltarea dreptului internațional public, la consolidarea ordinii juridice internaționale și la soluționarea pașnică a diferendelor.

Curtea este compusă din 15 judecători independenți, aleși pentru mandate de 9 ani de către Adunarea Generală și Consiliul de Securitate, cu respectarea principiului reprezentării principalei tradiții juridice ale lumii. Independența judecătorilor este o garanție esențială a imparțialității instituției, fiind prevăzută prin incompatibilități stricte și obligația de a nu reprezenta interesele

¹ Curtea Internațională de Justiție. [On-line:] https://ro.wikipedia.org/wiki/Curtea_Interna%C8%9Bional%C4%83_de_Justi%C8%9Bie (Accessed 18 November 2025).

niciunui stat. Președintele și vicepreședintele CIJ sunt aleși dintre judecători, conducând activitatea Curții și reprezentând-o în relația cu alte organe ale ONU.

Competența CIJ este de două tipuri: **contencioasă** și **consultativă**. În cadrul competenței contencioase, Curtea soluționează litigii între state care au acceptat jurisdicția sa, fie prin clauze compromisorii din tratate, fie prin declarații unilaterale conforme cu articolul 36(2) din Statut, fie prin compromisuri ad-hoc. Litigiile analizate de CIJ acoperă o gamă largă de domenii: dispute teritoriale și maritime, încălcări ale tratatelor, utilizarea forței, ingerințe în afacerile interne ale altor state, protecția mediului, responsabilitatea internațională, drepturile minorităților, aplicarea Convenției privind genocidul sau a altor instrumente internaționale.

Un exemplu recent și relevant îl constituie **cauza Ucraina vs. Federația Rusă (2022–2024)**, în care Curtea a ordonat măsuri provizorii pentru încetarea operațiunilor militare, reafirmând obligația statelor de a respecta dreptul internațional umanitar. De asemenea, disputa dintre **Qatar și Emiratele Arabe Unite** privind discriminarea rasială (2021) sau cauza **Gambia vs. Myanmar (2020–2024)** privind genocidul Rohingya demonstrează rolul activ al CIJ în protejarea drepturilor fundamentale și în interpretarea tratatelor internaționale privind drepturile omului.

CIJ contribuie substanțial și la dezvoltarea dreptului internațional prin impulsionează aplicării principiilor fundamentale, precum: integritatea teritorială, suveranitatea statelor, interzicerea utilizării forței, autodeterminarea popoarelor sau responsabilitatea internațională a statelor. Jurisprudența Curții are o valoare interpretativă considerabilă, fiind utilizată ca precedent de state, de alte tribunale internaționale și de organisme ONU. Exemple notabile sunt hotărârea privind delimitarea maritimă dintre România și Ucraina (2009), cazul privind Nicaragua vs. SUA (1986), disputa dintre Burkina Faso și Mali (1986) sau cauza Bosniei și Herțegovinei privind genocidul (2007).

În cadrul competenței consultative, CIJ emite avize la solicitarea Adunării Generale, a Consiliului de Securitate și a altor organisme autorizate. Avizele consultative nu au caracter obligatoriu, însă influența lor asupra dreptului internațional este majoră. Unul dintre cele mai importante avize recente este **Avizul consultativ privind conformitatea declarației de independență a Kosovo (2010)**, în care Curtea a concluzionat că declarația nu a încălcat dreptul internațional. Acest aviz a influențat dezbaterile globale privind autodeterminarea, secesiunea și recunoașterea statelor.

Un alt aviz important, aflat în prezent în analiză, este cererea Adunării Generale privind **consecințele juridice ale schimbărilor climatice** asupra statelor insulare, depusă în 2023. Acesta reprezintă un moment istoric, deoarece CIJ este chemată să clarifice obligațiile statelor cu privire la reducerea emisiilor, protecția mediului și responsabilitatea pentru efectele schimbărilor climatice.

Rolul CIJ este deosebit de important în consolidarea ordinii internaționale, întrucât oferă un mecanism pașnic de soluționare a disputelor. În absența Curții, numeroase conflicte teritoriale, maritime sau politice ar putea escalada în tensiuni regionale sau globale. Prin autoritatea morală și juridică de care se bucură, CIJ promovează o cultură a legalității internaționale, încurajează statele să respecte tratatele la care sunt parte și contribuie la protejarea egalității suverane a statelor.

Curtea contribuie, de asemenea, la evoluția dreptului mediului, un domeniu tot mai important pentru ONU. Hotărâri precum cele în cauzele *Pulp Mills (Argentina vs. Uruguay, 2010)* sau *Whaling in the Antarctic (Australia vs. Japonia, 2014)* sunt referințe juridice fundamentale în reglementarea disputelor ecologice internaționale și în definirea obligațiilor statelor în protecția mediului.

În concluzie, CIJ este un „tribunal mondial” nu doar prin competențele sale juridice, ci și prin influența sa politică, morală și normativă. Prin activitatea sa, Curtea asigură stabilitatea ordinii internaționale, consolidează legalitatea globală și contribuie la prevenirea conflictelor. În era multipolarității și a tensiunilor geopolitice, rolul CIJ devine cu atât mai important, oferind un instrument imparțial, legal și legitim pentru soluționarea disputelor dintre state.

Secretariatul și Secretarul General

Secretariatul ONU este organul administrativ al organizației și asigură funcționarea zilnică a întregului sistem internațional prevăzut de Cartă. El este condus de **Secretarul General**,

principalul funcționar administrativ al ONU, ales de Adunarea Generală la recomandarea Consiliului de Securitate pentru un mandat de cinci ani. Secretarul General este o figură centrală în diplomația mondială, având rolul de a reprezenta organizația în relațiile internaționale și de a coordona activitatea departamentelor specializate.¹

Competențele Secretarului General sunt definite în articolele 97–101 ale Cartei ONU, iar cel mai important instrument juridic este **Articolul 99**, care îi permite să sesizeze Consiliul de Securitate atunci când o situație poate pune în pericol pacea și securitatea internațională. Prin această prerogativă, SG devine un actor activ în prevenirea conflictelor și în gestionarea crizelor globale.

Secretariatul este alcătuit din zeci de mii de angajați, organizați în departamente precum: Afaceri Politice și Consolidarea Păcii, Operațiuni de Pace, Afaceri Juridice, Afaceri Economice și Sociale, Afaceri Umanitare (OCHA) și Drepturile Omului. Acestea colaborează cu agențiile specializate ale ONU pentru implementarea programelor globale în domeniul dezvoltării, sănătății, educației și asistenței umanitare.

Un domeniu major gestionat de Secretariat este **operațiunile de menținere a păcii**, care implică coordonarea logistică, financiară și strategică a misiunilor desfășurate în zone de conflict. De asemenea, prin OCHA, Secretariatul coordonează răspunsul internațional în crize umanitare, mobilizând rapid resurse și sprijin pentru statele afectate.

În ultimii ani, Secretarul General a promovat o serie de reforme importante: modernizarea sistemului ONU pentru dezvoltare, eficientizarea gestiunii bugetare, consolidarea operațiunilor de pace (A4P și A4P+), transformarea digitală prin programul **UN 2.0** și întărirea diplomației preventive, reflectată în raportul *A New Agenda for Peace* (2023).

Prin activitatea sa, Secretariatul asigură continuitatea administrativă a ONU, implementarea deciziilor adoptate de organele principale și un răspuns coordonat la provocările globale. Rolul Secretarului General, prin influența diplomatică și viziunea strategică, este decisiv pentru direcția de evoluție a organizației în contextul schimbărilor geopolitice actuale.

Agențiile specializate și sistemul ONU

Agențiile specializate ale ONU formează împreună cu programele, fondurile și instituțiile subsidiare ceea ce se numește în mod obișnuit „**sistemul ONU**”.² Acestea sunt organizații autonome, create prin tratate internaționale, care colaborează cu ONU prin intermediul Consiliului Economic și Social (ECOSOC) și al Secretariatului. Rolul lor este de a gestiona domenii specifice ale cooperării internaționale, acoperind unele dintre cele mai importante arii ale guvernărilor globale: sănătatea publică, educația, alimentația, migrația, dezvoltarea, cultura și securitatea internațională.

Printre cele mai importante agenții specializate se numără:

- **Organizația Mondială a Sănătății (OMS)** – coordonează sănătatea globală, gestionează epidemiile și stabilește standarde medicale internaționale;
- **UNESCO** – promovează educația, știința, cultura și protejarea patrimoniului mondial;
- **FAO** – se ocupă de securitate alimentară, agricultură și combaterea foametei;
- **OIM (IOM)** – gestionează problemele globale ale migrației;
- **UNDP** – programul pentru dezvoltare, principalul furnizor de asistență tehnică pentru implementarea ODD;
- **UNHCR** – protecția refugiaților și persoanelor strămutate;
- **UNICEF** – protecția drepturilor copilului la nivel internațional.

Agențiile specializate funcționează în strânsă cooperare cu ECOSOC, care are rolul de coordonare generală, și contribuie direct la implementarea **Agendei 2030 pentru Dezvoltare**

¹ Secretarul general al Națiunilor Unite. [On-line:] https://ro.wikipedia.org/wiki/Secretarul_general_al_Na%C8%9Biunilor_Unite (Accessed 18 November 2025).

² Organizația Națiunilor Unite. [On-line:] https://ro.wikipedia.org/wiki/Organiza%C8%9Bia_Na%C8%9Biunilor_Unite (Accessed 18 November 2025).

Durabilă. Ele elaborează standarde internaționale, oferă consultanță statelor membre, implementează programe la nivel global și răspund rapid în situații de urgență.

Prin activitatea lor combinată, agențiile specializate transformă ONU într-o structură complexă, capabilă să intervină în probleme globale diverse și să ofere soluții concrete, tehnice și operaționale. Aceste instituții reprezintă, în fond, baza practică a multilateralismului, deoarece desfășoară programe cu impact direct asupra vieții populațiilor din întreaga lume.

Operațiunile de menținere a păcii

Operațiunile de menținere a păcii ale Organizației Națiunilor Unite reprezintă unul dintre cele mai vizibile și complexe instrumente ale sistemului internațional pentru gestionarea conflictelor.¹ Deși Carta ONU nu menționează explicit „peacekeeping”, practica Consiliului de Securitate a consacrat acest mecanism ca parte integrantă a mandatului său sub Capitolul VI și, în anumite situații, sub Capitolul VII.

Misiunile de pace includ **componente militare, polițienești și civile**, având rolul de a stabili zone de conflict, de a proteja populațiile civile, de a monitoriza încetarea focului, de a sprijini procesele democratice și reconstrucția instituțională. Mandatele sunt aprobate de Consiliul de Securitate, iar implementarea lor este coordonată de **Departamentul pentru Operațiuni de Pace (DPO)** din cadrul Secretariatului.

În ultimele decenii, operațiunile de pace au evoluat de la misiuni tradiționale de observatori la **misiuni multidimensionale** care implică dezarmare, reintegrarea foștilor combatanți (DDR), reforma sectorului de securitate (SSR), sprijin electoral și consolidarea statului de drept. Misiuni importante precum UNMISS (Sudanul de Sud), MINUSCA (Republica Centrafricană) sau UNIFIL (Liban) reflectă diversitatea contextelor în care ONU intervine.

Cu toate acestea, misiunile de pace se confruntă cu provocări semnificative: resurse insuficiente, riscuri de securitate, presiuni politice și mandatele uneori prea ambițioase. În ultimii ani, unele misiuni, precum MINUSMA în Mali, au fost retrase din cauza deteriorării mediului de securitate și lipsei de cooperare cu autoritățile locale.

Inițiativele de reformă, precum **Action for Peacekeeping (A4P)** și A4P+, promovează eficientizarea operațiunilor, protecția civililor, parteneriatele regionale și responsabilizarea personalului ONU. Secretarul General a subliniat în rapoartele din 2022–2024 că succesul operațiunilor de pace depinde de cooperarea statelor contribuatoare, de mandat clar și realist și de finanțare predictibilă.

În ansamblu, operațiunile de menținere a păcii rămân un instrument esențial pentru stabilitatea internațională, contribuind la prevenirea escaladării conflictelor și la promovarea păcii durabile în zonele afectate de violență.

Globalizarea și rolul extins al ONU

Globalizarea a schimbat profund arhitectura relațiilor internaționale, generând interdependențe economice, sociale și tehnologice fără precedent. În acest context, Organizația Națiunilor Unite a dobândit un rol extins, devenind principalul cadru de coordonare pentru abordarea problemelor transnaționale care depășesc capacitatea individuală a statelor.

Prin agențiile sale specializate și prin mecanismele sale normative, ONU gestionează domenii critice precum schimbările climatice, sănătatea globală, migrația, securitatea cibernetică, combaterea terorismului și dezvoltarea durabilă. În perioada recentă, documentele oficiale – precum *Our Common Agenda* și *A New Agenda for Peace* – subliniază necesitatea unui multilateralism mai eficient, adaptat provocărilor generate de globalizare.

ONU contribuie la stabilirea standardelor internaționale, la coordonarea răspunsului global în crize (pandemia de COVID-19, crize alimentare, dezastre climatice) și la promovarea unei dezvoltări echitabile prin Agenda 2030. De asemenea, joacă un rol central în reglementarea tehnologiilor emergente, inclusiv inteligența artificială, prin inițiative precum *Global Digital Compact*.

¹ Sistemul Informațional al ONU pentru Menținerea Păcii. [On-line:] [https://ro.wikipedia.org/wiki/Sistemul Informa%C8%9Bional al ONU pentru Men%C8%9Binerea P%C4%83cii](https://ro.wikipedia.org/wiki/Sistemul_Informa%C8%9Bional_al_ONU_pentru_Men%C8%9Binerea_P%C4%83cii) (Accessed 18 November 2025).

În ansamblu, globalizarea a amplificat importanța ONU ca actor normativ și operațional, transformând-o într-un centru de cooperare globală indispensabil pentru gestionarea provocărilor interconectate ale secolului XXI.

Necesitatea reformării ONU

Necesitatea reformării ONU a devenit una dintre cele mai importante teme ale agendei internaționale contemporane, pe fondul transformărilor geopolitice, economice și tehnologice ale secolului XXI. Structura actuală a organizației reflectă echilibrul de putere din anul 1945, o realitate care nu mai corespunde distribuției actuale a influenței globale. În acest context, eficiența, reprezentativitatea și legitimitatea instituțiilor ONU sunt puse tot mai des sub semnul întrebării¹.

Cea mai discutată componentă a reformei este **Consiliul de Securitate**, unde dreptul de veto al celor cinci membri permanenți generează blocaje majore în gestionarea conflictelor internaționale.² Numeroase state solicită extinderea compoziției Consiliului, o reprezentare mai mare pentru Africa, Asia și America Latină și limitarea utilizării veto-ului, mai ales în cazuri de atrocități în masă.

Reforma vizează și **îmbunătățirea eficienței Adunării Generale**, modernizarea ECOSOC, consolidarea mecanismelor de protecție a drepturilor omului și creșterea transparenței în gestionarea bugetului ONU³. Inițiative recente, precum *Our Common Agenda*⁴ și procesul *Summitului Viitorului (2024–2025)*, propun un multilateralism mai incluziv, o cooperare extinsă cu actorii non-statali și o guvernanta globală adaptată erei digitale.⁵

În ansamblu, reformarea ONU este esențială pentru menținerea relevanței sale și pentru capacitatea de a răspunde eficient provocărilor globale actuale. Fără modernizare, organizația riscă să fie depășită de ritmul schimbărilor internaționale și de complexitatea crizelor contemporane.⁶

Concluzii generale

Organizația Națiunilor Unite rămâne cea mai importantă instituție a guvernantei internaționale, creată pentru a preveni repetarea tragediilor secolului XX și pentru a asigura menținerea păcii, securității și cooperării între state. Analiza structurii, competențelor și mecanismelor sale operaționale demonstrează însă că ONU se află astăzi în fața unor provocări fără precedent, generate de transformările rapide ale mediului internațional și de complexitatea noilor amenințări globale.

Cele șase organe principale ale ONU – Adunarea Generală, Consiliul de Securitate, ECOSOC, Curtea Internațională de Justiție, Secretariatul și, istoric, Consiliul de Tutelă – își exercită atribuțiile într-un cadru juridic stabilit de Carta ONU, care continuă să reprezinte fundamentul legal al ordinii internaționale. Adunarea Generală funcționează ca un spațiu universal de deliberare, în timp ce Consiliul de Securitate deține responsabilitatea supremă pentru menținerea păcii, ECOSOC coordonează dezvoltarea globală, iar CIJ promovează soluționarea pașnică a disputelor.

¹ SUA pregătesc o reorganizare a Consiliului de securitate al ONU. [On-line:] <https://noi.md/md/in-lume/sua-pregatesc-o-reorganizare-a-consiliului-de-securitate-al-onu> (Accessed 18 November 2025).

² Reformă a dreptului de veto în Consiliul ONU. Rusia se opune. [On-line:] <https://romania.europalibera.org/a/onu-lanseaza-o-reforma-a-dreptului-de-veto-in-consiliul-de-securitate-in-ciuda-protestelor-rusesti/33131177.html> (Accessed 18 November 2025).

³ Ministrul german de Externe cere reforma ONU și reorganizarea Consiliului de Securitate. [On-line:] <https://epochtimes-romania.com/news/ministrul-german-de-externe-cere-reforma-onu-si-reorganizarea-consiliului-de-securitate---376947> (Accessed 18 November 2025).

⁴ UN Our Common Agenda Report. [On-line:] https://unfoundation.org/our-common-agenda/?gad_source=1&gad_campaignid=19548803646&gbraid=0aaaaad9kiad64_d3b1icbpht_6_zwwvjgt&gclid=eaiaiqobchmi9jsi6ub-kamvvjudbx0-6ar8eaayasaegioppd_bwe (Accessed 18 November 2025).

⁵ Națiunile Unite adoptă un Pact revoluționar pentru Viitor pentru a transforma guvernanta globală. [On-line:] <https://moldova.un.org/ro/279404-na%C8%9Biunile-unite-adopt%C4%83-un-pact-revolu%C8%9Bionar-pentru-viitor-pentru-transforma-guvern%C8%9Ba> (Accessed 18 November 2025).

⁶ Ministrul german de Externe cere reforma ONU și reorganizarea Consiliului de Securitate. [On-line:] <https://epochtimes-romania.com/news/ministrul-german-de-externe-cere-reforma-onu-si-reorganizarea-consiliului-de-securitate---376947> (Accessed 18 November 2025).

Secretariatul, condus de Secretarul General, asigură coerența administrativă și diplomatică a întregului sistem.

Agențiile specializate ale ONU, alături de programele și fondurile organizației, extind considerabil capacitatea de intervenție a sistemului multilateral în domenii esențiale ale dezvoltării: sănătate, educație, migrație, protecția copilului, securitate alimentară și ajutor umanitar. Operațiunile de menținere a păcii, deși supuse multor presiuni și critici, rămân unul dintre instrumentele centrale ale ONU pentru prevenirea escaladării conflictelor și stabilizarea post-conflict.

În era globalizării, rolul ONU s-a amplificat, deoarece problemele cu care se confruntă comunitatea internațională – schimbări climatice, pandemii, terorism, insecuritate alimentară, migrație, riscuri tehnologice – au o natură transnațională și necesită soluții colective. Documente recente precum *Our Common Agenda* sau *A New Agenda for Peace* subliniază importanța consolidării cooperării internaționale și a adaptării instituțiilor globale la noile realități.

Totuși, analiza arată clar că actuala arhitectură a ONU prezintă limite semnificative. Dreptul de veto din Consiliul de Securitate, deficitul de reprezentativitate, birocrăția excesivă, decalajele dintre angajamentele statelor și nivelul de implementare, precum și ritmul lent al reformelor structurale pun sub semnul întrebării eficiența organizației. În lipsa unor schimbări profunde, există riscul ca ONU să devină tot mai puțin relevantă într-un sistem internațional fragmentat și tensionat.

Prin urmare, **reforma ONU nu este doar necesară, ci urgentă**. Pentru a-și menține rolul de garant al păcii și securității internaționale, organizația trebuie să își modernizeze structurile, să își crească eficiența operațională, să reflecte mai fidel distribuția puterii în secolul XXI și să integreze în mod coerent domenii noi precum guvernanta digitală și protecția mediului.

În concluzie, ONU rămâne pilonul central al multilateralismului, dar viitorul său depinde de capacitatea de adaptare la provocările actuale și de asumarea colectivă a responsabilității pentru consolidarea ordinii internaționale bazate pe drept. Modernizarea instituției este esențială pentru menținerea păcii, protejarea drepturilor omului și susținerea dezvoltării durabile la nivel global.

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**TRIBUNA TÎNĂRULUI CERCETĂTOR
THE TRIBUNE OF YOUNG SCIENTISTS
ТРИБУНА МОЛОДЫХ УЧЕНЫХ**

**MODIFYING KLITGAARD'S FORMULA IN THE CONTEXT OF THE FIGHT
AGAINST SYSTEMIC CORRUPTION IN THE REPUBLIC OF MOLDOVA**

**MODIFICAREA FORMULEI LUI KLITGAARD ÎN CONTEXTUL LUPTEI
ÎMPOTRIVA CORUPȚIEI SISTEMICE ÎN REPUBLICA MOLDOVA**

**МОДИФИКАЦИЯ ФОРМУЛЫ КЛИТГААРДА В КОНТЕКСТЕ БОРЬБЫ
С СИСТЕМОЙ КОРРУПЦИИ В РЕСПУБЛИКЕ МОЛДОВА**

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ABSTRACT:

**MODIFYING KLITGAARD'S FORMULA IN THE CONTEXT OF THE FIGHT AGAINST
SYSTEMIC CORRUPTION IN THE REPUBLIC OF MOLDOVA**

Following the collapse of the Soviet Union and the development of hybrid regimes, systemic corruption has become a pervasive obstacle to liberal democratisation. This paper revisits Klitgaard's formula and argues that the model should incorporate the level of public officials' wages to capture the reality in the Republic of Moldova. Drawing on jurisprudential insights from Hohfeld's framework and comparative modifications of Klitgaard's theory, it highlights how low salaries and opaque income declarations undermine the system, fuel discretionary abuse, and perpetuate monopolistic power structures. Using a hypothetical case of a Moldovan police officer, the study aims at showcasing how inadequate remuneration incentivises 'grey' income schemes and deepens systemic flaws.

The author proposes a package of reforms: competitive salaries paired with leased government housing paid via payroll deductions, comprehensive public asset declarations, and enhanced criminal sanctions for corruption tied to EU benchmarks. By rebalancing Klitgaard's formula, this approach aims to curb decision-making monopolies, bolster transparency, and reverse brain drain. The essay concludes that, alongside broader legal and institutional measures, strategic wage adjustments can change corruption's position from a structural norm into a managed exception.

Keywords: corruption, systemic corruption, European integration, transparency, Klitgaard's formula, anti-corruption reforms.

JEL Classification: K14

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РЕЗУМАТ:
MODIFICAREA FORMULEI LUI KLITGAARD ÎN CONTEXTUL LUPTEI ÎMPOTRIVA
CORUPȚIEI SISTEMICE ÎN REPUBLICA MOLDOVA

Odată cu destrămarea Uniunii Sovietice și apariția regimurilor hibride corupția sistemică a devenit un obstacol omniprezent în calea democratizării liberale. Această lucrare revizuieste formula lui Klitgaard și susține că modelul ar trebui să includă nivelul salariilor funcționarilor publici pentru a surprinde realitatea din Republica Moldova. Bazându-se pe perspectivele jurisprudențiale din cadrul lui Hohfeld și pe modificări comparative ale teoriei lui Klitgaard, aceasta evidențiază modul în care salariile mici și declarațiile de venit opace subminează sistemul, alimentează abuzurile discreționare și perpetuează structurile de putere monopolistice. Folosind cazul ipotetic al unui ofițer de poliție din Republica Moldova, studiul își propune să demonstreze modul în care remunerația inadecvată stimulează schemele de venit „gri” și adâncește deficiențele sistemice.

Autorul propune un pachet de reforme: salarii competitive, asociate cu locuințe guvernamentale închiriate, plătite prin deduceri din salarii, declarații complete de active publice și sancțiuni penale sporite pentru corupție, legate de reperele UE. Prin reechilibrarea formulei lui Klitgaard, această abordare își propune să limiteze monopolurile decizionale, să consolideze transparența și să inverseze exodul creierelor. Eseul concluzionează că, alături de măsuri legale și instituționale mai ample, ajustările salariale strategice pot schimba poziția corupției dintr-o normă structurală într-o excepție gestionată.

Cuvinte cheie: corupție, corupție sistemică, integrare europeană, transparență, formula lui Klitgaard, reforme anticorupție.

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РЕЗЮМЕ:
МОДИФИКАЦИЯ ФОРМУЛЫ КЛИТГААРДА В КОНТЕКСТЕ БОРЬБЫ
С СИСТЕМОЙ КОРРУПЦИЕЙ В РЕСПУБЛИКЕ МОЛДОВА

После распада Советского Союза и развития гибридных режимов системная коррупция стала всепроникающим препятствием на пути либеральной демократизации. В данной статье пересматривается формула Клитгаарда и утверждается, что модель должна включать уровень заработной платы государственных служащих, чтобы отражать реалии Республики Молдова. Опираясь на юридические выводы из концепции Хофельда и сравнительные модификации теории Клитгаарда, авторы показывают, как низкие зарплаты и непрозрачное декларирование доходов подрывают систему, способствуют произвольным злоупотреблениям и способствуют сохранению монополистических структур власти. На примере гипотетического случая молдавского полицейского исследование демонстрирует, как недостаточное вознаграждение стимулирует «серые» схемы получения доходов и усугубляет системные недостатки.

Автор предлагает пакет реформ: конкурентоспособные зарплаты в сочетании с арендой государственного жилья, оплачиваемой за счет вычетов из заработной платы, всеобъемлющее декларирование активов в государственном секторе и ужесточение уголовных санкций за коррупцию, привязанных к нормативным показателям ЕС. Пересматривая формулу Клитгаарда, этот подход направлен на ограничение монополий на принятие решений, повышение прозрачности и предотвращение утечки мозгов. В статье делается вывод о том, что, наряду с более широкими правовыми и институциональными мерами, стратегическая корректировка заработной платы может превратить коррупцию из структурной нормы в управляемое исключение.

Ключевые слова: коррупция, системная коррупция, европейская интеграция, прозрачность, формула Клитгаарда, антикоррупционные реформы.

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1. Introduction

With the USSR dissolving and the Cold War ending, Francis Fukuyama (1989: 3) promised 'the universalisation of Western liberal democracy as the final form of human government', which seemed to be the only way forward. The world community anticipated further harmonisation in the spirit of the United Nations' Charter ('international peace and co-operation') and neoliberalism more broadly. However, the reality turned out to be different for many countries (Ibrahim, 2022: 14). At best, many of them stagnated with an odd status of 'hybrid regimes', thus stuck in a position that offered a perfect environment for populism to thrive despite domestic elites articulating their commitment to liberal goals. Cases of others were even less tolerable and played out in dictatorships, violating every cornerstone of Fukuyama's understanding of liberal democracy.

However, there is one issue that penetrates virtually all countries: systemic corruption. Originating in social psychology and inherent to all legal systems, it denotes a pattern of corruption-related practices that are deeply embedded in a state's institutional set-up (Rothstein, 2018: 37). As such, it is present worldwide, but to divergent extents. The most obvious victims of systemic corruption are the so-called 'third-world countries', especially when they fall victim to hybrid or authoritarian modes of government. In these states, corruption often transcends all levels of social organisation, rendering the entire system of the rule of law ineffective. In the European context, numerous examples of states attempting to accede to the European Union (EU) further emphasise the importance of fighting corruption to comply with the liberal norms of market economy, good governance, and human rights (Dhamo and Dhamo, 2024: 198).

The Republic of Moldova, a fresh candidate member state of the EU, is no exception and has long been suffering from deeply embedded corruption (Council of Europe Group of Experts Against Corruption, 2016: 3). This article takes an alternative approach to the mainstream understanding of systemic corruption by suggesting a modification to Klitgaard's formula, one of the most widespread theoretical tools to analyse this phenomenon, to account for the peculiarities of the Moldovan context. In this light, this essay suggests another variable to Klitgaard's equation: the wages of public officials. In doing so, the following section explains why corruption has to be examined alongside fundamental legal concepts and sets this paper's theoretical foundations. Section 3 provides a hypothetical scenario of how a significant wage increase for public officials may counterbalance the other systemic weaknesses in Klitgaard's formula, anchoring the necessity of this effort into the empirical reality of the Republic of Moldova. Finally, a short conclusion summarises the findings and elucidates potential setbacks of this approach.

2. Theoretical Framework

2.1. Klitgaard's Formula: An Important Starting Point

The primary goal of this section is to familiarise readers with the main concepts used in this article and situate it in a broader academic debate concerning systemic corruption. Among the scholars studying this topic, usually the starting point for understanding systemic corruption is Klitgaard's (1998: 4) corruption formula:

$$C (\text{Corruption}) = M (\text{Monopoly}) + D (\text{Discretionary authority}) - T (\text{Transparency}),$$

where systemic corruption most often occurs in systems with a high probability of decision-making monopoly, a high margin of discretion for authorities, and low levels of transparency. All three variables describe different qualities of the decision-making process in a particular polity (Klitgaard, 2011: 33). In this setting, a high level of monopoly refers to the idea that decisions are made by an exclusive group of people in power who do not offer the general public an opportunity to participate in the process. Discretion denotes the degree to which those in power may decide on the course of action in a particular situation without restrictions, which are inherent to a democratic system of checks and balances. In its turn, transparency quantifies how open the mechanics of the decision-making process are to the general public, allowing the latter to trace the decisions as to their objectives and means of adoption and implementation. Given that each society adopts different decision-making strategies, many academics have engaged in the discussion of Klitgaard formula's analytical power, trying to modify it to fit their local context.

For example, Sujatmiko (2012: 1) argued that the Klitgaard formula would only correspond to Indonesian circumstances if one subtracted *social control* from the right part of the equation. In the opinion of other scholars of the Indonesian legal system, adding a sociological dimension to the original formula provides a basis for the much-needed ‘social audit’ in a society that struggles to establish and solidify democratic practices (Irham, 2021: 233). In a similar vein, a group of Russian political economists from Kazan argued that, in order to interpret the political reality of the Russian Federation correctly, Klitgaard’s formula should explicitly account for ESGO – ‘executive state government organs’ – a term they use to refer to the Russian commanding elite (Leontieva *et al.*, 2015: 388). According to Leontieva *et al.* (2015: 387), although ESGO is located at the intersection of different variables in the original version of Klitgaard’s corruption formula, it is unique because corruption permeates ‘all areas of life’ in Russia. This example will serve as a theoretical foundation for this author’s arguments in section 3 below, as that research on Russia was set in the context of a post-Soviet country, which is closer to the empirical reality of the Republic of Moldova than to that of Indonesia. Nevertheless, Moldova was spared the unfortunate destiny of the Russian legal system which, for a long time, has been held hostage by a state apparatus which serves the goals of a clique controlled by President Putin.

Finally, touching upon the lack of expected results of the Bretton Woods institutions-led anti-corruption reforms in several African states, Ledeneva, Bratu, and Köker (2017: 10) tried to connect Klitgaard’s formula to the traditional principal-agent problem. They pointed out that, to efficiently eliminate corruption, an agent government should not only try to increase accountability and limit its decision-making discretion but also, in the context of the Bretton Woods institutions credit system, be forced by the principal (intergovernmental institution sponsoring reforms) to reduce its incentives to engage in corrupt behaviour. In this sense, their findings resonate with those of the Russian scholars mentioned above by highlighting the importance of the ruling elites’ motivation and international cooperation in the fight against corruption. In light of the increased international financial and political support for conducting anti-corruption reforms, which implies that the principal is playing a relatively active role, the Republic of Moldova’s government and President Maia Sandu have reiterated their willingness to cooperate with their partners to eliminate corruption on Moldova’s path to the EU, both in words and actions (Corman and Schumacher, 2023: 1120; M Markevych and M Marinkov, 2024: 11-12).

Thus, we can see that since the publication of Klitgaard’s seminal theoretical analysis of systemic corruption, many scholars have applied it to their local contexts and, in addition to this, tried to modify its variables to account for their respective circumstances. This testifies to Klitgaard theory’s versatility and, as such, indicates that it might be a useful tool for examining particular regional circumstances in which corruption takes place. However, before applying this formula to the Moldovan context, the following subsection seeks to explain why corruption is, in the first place, a legal concept and demands an examination from a jurisprudential point of view.

2.2. Corruption as a Fundamental Legal Concept

Law, perceived as a normative system aimed at protecting public order (D’Amato, 2024: 1), encompasses a large number of concepts. While identifying even a part of them is beyond the scope of this research, this author emphasises the importance of explaining why corruption can be considered inherent to any legal system. At this point, it is opportune to mention that this analysis is embedded in the liberal legal tradition and its findings might not necessarily be applicable to others, as the latter’s particular social contexts might be so drastically different that the concepts used in this argumentations are not treated equally (Glenn, 2014: 14).

When a person raised in the liberal paradigm is asked to define law, they inevitably refer to the dichotomy of rights and duties, because we are all trained to believe that the main goal of any legal system is to protect one’s rights by imposing duties on others. This logic stems from the Christian Renaissance idea that humans are God’s lieutenants, created in God’s own image, and thus are all equal and entitled to a set of (almost) sacred liberties (Hockstad, 2022: 731). The Hohfeldian understanding of the notions of right and duty is very useful here because it provides us with a framework to analyse how these two, arguably the most fundamental legal concepts, can be

examined from within rather than perceived as monolithic. In this light, Hohfeld (1917: 745) identified four key elements giving birth to rights: (1) privilege, (2) claim, (3) power, and (4) immunity. Systemic corruption, as the following passages seek to argue, is capable of depriving each of them of their ability to create rights and impose duties, thus harming the very nucleus of the legal system.

Hohfeld (1917: 746) argued that person A has a *privilege* to do something if there is no prohibition for A of doing this, and that this privilege creates a first-order right for A. To international lawyers, this might sound extremely similar to the well-known *Lotus* principle, under which a state is allowed to act in a certain way unless it is prohibited by a rule of international law (Csernus, 2023: 949). Thus, A has a privilege (and, consequently, a right) to know the government officials' wages if there is no prohibition of any kind against this information being made available. In the context of Klitgaard's formula, hence, systemic corruption can easily harm A's rights if the officials in country X try to diminish the system's level of transparency by hiding their real income, which they receive using 'grey' schemes.

Furthermore, A has a *claim* (therefore, a right) that B does something if B has a duty to A to do so (Hohfeld, 1917: 746). Returning to the example from the previous paragraph, A has a right to know the real income of public officials if the latter have a legal duty owed to A (and the public as a whole) to make this information available. This seems to be a standard practice for Western liberal democracies, but in many transitional and hybrid regimes, due to high levels of corruption, the public cannot claim access to public officials' declarations because they deny making them public by, for instance, intentionally failing to vote in favour of respective bills. This balance is often reflected in the jurisprudence of regional human rights courts addressing the issue of the freedom of expression, which is also interpreted to entitle persons to a right to obtain information of public interest. At the same time, this right of the public implies a duty for the governments to disclose such information. However, this right often conflicts with the state's right to protect the matters of national security and/or other public officials' right to privacy (Barendt, 2009: 70-72).

The examples of Hohfeld's second-order rights arising from powers and immunities are more complicated but are still prone to harm caused by corruption. According to him (1917: 746), A has a *power* if she has the ability to alter her own or another's aspects of the Hohfeldian system. Hence, legislators have the power to deny the public access to their income declarations because they can alter their population's privilege (or claim) to have this information available by means of adopting a prohibitory law. Examples of ex-USSR countries provide clear empirical observations of this phenomenon, where reforms aimed at imposing an obligation on all public officials to disclose their income information take years to be adopted (Novokmet *et al.*, 2018: 200). *Immunity* in this system is a kind of opposite of power: A has immunity if B lacks the ability to alter the Hohfeldian incidents (Hohfeld, 1917: 746). Corruption can provide state officials with the ability to alter public claims and obligations when they are not supposed to have it, thus depriving the population of their immunity and denying their second-order rights.

As previous passages have demonstrated, a significant degree of systemic corruption can easily violate each of Hohfeld's incidents that create rights and impose duties. Given that rights lie at the foundation of any liberal legal system, corruption, depriving those entitled to these rights of their (effective) enforcement (and, in extreme cases, existence), becomes a 'parasitic' fundamental legal concept. Although it would be wrong to equate corruption to other such concepts, it should always be accounted for in their analysis because of its ability to quickly render other concepts' application ineffective. Thus, instead of placing it in line with more traditional fundamental juristic notions of authority, legality, and legitimacy, this author argues that corruption represents the other side of the coin: it is a concept that is capable of hampering all other fundamental legal concepts, and by implication cannot be separated from them.

3. Increasing Wages of Public Officials to Address Systemic Corruption

This section discusses the modification of Klitgaard's formula using a hypothetical situation of a police officer in the Republic of Moldova. All the quantitative data used to support this case were taken from the official governmental databases and triangulated with the help of publicly available information. By the time our officer graduates from the State Police Academy, the salary offered

to her by the Ministry of Internal Affairs is around 6.000 - 8.000 lei per month (equivalent to 300-400 euros: Mihuță, 2022; Ziarul de Gardă, 2025). This sum is around 50% lower than the average salary per country (14.500 lei: National Bureau of Statistics of the Republic of Moldova, 2025a), which immediately places our officer in a disadvantaged position. Given the lack of transparency in the system (an assumption based on empirical observations: Pisarenco and Vlasiuk, 2017; Cenușă *et al.*, 2023; Goncarencu, 2024) and the low financial resources provided to her, it should not come as a surprise that the young police officer is reasonably expected to give in to the temptation of looking for other sources to make her life more enjoyable (Agora, 2025). Bearing in mind that her employment contract is full-time, which excludes the option of finding another job in parallel to this without overburdening her, it is almost inevitable that she will explore her options of 'grey', corrupt sources of income.

Thus, facing the prospect of having to work for 25 years in a row to be eligible for a pension (Parliamentary Law nr. 1544, 1993: art. 13), she, for a quarter of a century, slowly moves up the career ladder (her wages increasing even more slowly), and continues exploring illegal (or, at best, 'shady') methods to increase her income. The options are out there, but the main one is embezzlement. Depending on her function, the reason for taking bribes will vary, but every position in the Ministry of Internal Affairs implies such a theoretical possibility. Subject to their diverging responsibilities, both a patrol officer (not to issue a fine for speeding, for instance) and the minister of internal affairs (to not notice a smuggling scheme) can be bribed. All of these result in diminished transparency in a legal system that already lacks it which, according to Klitgaard, increases the levels of systemic corruption in Moldova in turn.

What the system is left with is perfectly visualised by the empirical observations of Moldova. Stuck between aspirations to comply with the rule of law standards and the harsh reality of low wages that contribute to high (systemic) corruption, and limited regional and universal integration ambitions, the country is ranked 76th in the Corruption Perception Index with over a fifth of its population (22%) admitting having bribed a public service provider in the last 12 months (Transparency International, 2025). In these settings, corruption is not an exception – it is a rule. The main motivation for becoming a governmental official (or a public sector employee more generally) is thus neither a sincere will to assist in providing essential public services nor good intentions to build a better society. Instead, people perceive these jobs as trampolines to the world of bribes, large public budgets that can be split among decision-makers, and international assistance/credits that can be stolen from their own population to whom they, in principle, are accountable. Moreover, even those who enter the system with pure hearts and bright ideas witness their motivation shrinking upon running into the impenetrable wall of the harsh reality of low wages, unpleasant working environments, and systemic corruption.

However, one should not be completely desperate about this situation. While there has been some considerable progress in the state's fight against corruption, evidenced by a number of ambitious reforms aimed at promoting judicial independence and transparency in the public sector (GRECO, 2024: 15-16; Center for International Legal Cooperation, 2025; Venice Commission, 2025: 11-12), more radical short-term solutions might be needed. To achieve it, this author suggests the following approach. Let us return to our young, fresh graduate of the State Police Academy, full of energy and eager to work for the country. However, the circumstances will now be different. Instead of a miserable salary that at best amounts to the half of the economy's average, the Ministry of Internal Affairs will provide this officer with a lease apartment and a competitive salary that is sufficiently above the already mentioned 14.500 lei: say, of 30.000 lei (equivalent to 1.500 euros) per month. This will align the public sector's financial offers with those of the private one. To further boost the officer's will to work in the governmental system, we will also offer her a pension that significantly surpasses the country's average (4.400 lei or 220 euros: National Bureau of Statistics of the Republic of Moldova, 2025b) – for example, within the range of 20.000 – 25.000 lei (equivalent to 1.000 - 1.250 euros). Additional special indexation regime for public servants' pensions might be applied, as well. This way, we will ensure that most of the young officers will have a high motivation to work 25 years straight before they retire.

Yet, to bring these circumstances closer to reality and to make them address the systemic corruption issue, several other amendments should be made. First, the apartment that our officer receives from the government is not a gift. Every year, 4% of the apartment's market price will be deducted from her salary, which, given our new assumptions, is big enough to cover this expense. This way, we will ensure that this officer will stay in the profession for those 25 years of work experience that she needs to retire with, in new circumstances, a decent pension. Additionally, by the time she retires, she will have her own apartment: at the end of her service, the lease will be fully paid to the government from her salary. Second, the system of submitting personal property declarations should be reformed. Declarations of most public sector employees should be publicly accessible, regularly updated, and, what is even more important, as detailed as possible in function of their position. Supervisory bodies within and outside respective governmental agencies, such as anti-corruption institutions, as well as the civil society (NGOs and independent media), should be granted full access to these data in order to ensure the highest transparency of every governmental employee. Accounting for privacy and data protection considerations, it should be clear to our officer that once she assumes the role of a public servant whose duty is to protect public order, she has to be accountable to the public in fact, not only on paper.

Finally, several important modifications have to be made to the criminal legislation of the country. Every crime involving corruption or taking place when performing official duties will involve a reasonably increased punishment in the boundaries of what is accepted by the standards of international criminal jurisprudence. To account for Moldova's European integration goals and existing international obligations, it is essential to keep this reform aligned with the benchmarks of the Council of Europe and the European Union. Furthermore, when the fact of corruption is established by a domestic court in a fair process, the apartment leased to our officer will be confiscated in favour of the government without any reimbursement of its price that she had already paid in the form of 4% yearly salary deductions. In addition, if some of the officer's family members lived with her in that apartment, they would be obligated to leave it by the same judicial decision. The harsher method of punishing corruption-related crimes will serve as an additional motivation for public servants not to engage in them. To ensure that these actions do not amount to an unjustified interference with their rights, everything should be performed in a transparent manner, accounting for human rights guarantees, such as the right to a fair trial, the right to property, and the right to privacy.

What we have as a result of these structural and legal changes is relatively minor, but an important contribution to remedying the problem of systemic corruption. Back to Klitgaard's formula, this modification allows us to balance other variables on the right side of the equation, especially the lack of transparency, which is directly remedied by institutionalising a system of open and sincere declarations subject to scrutiny by both supervising bodies and civil society. Furthermore, perhaps indirectly, this modification diminishes the decision-making monopoly of those in power because, with higher wages in the public sector, more people will want to work there. Many young graduates of prestigious international universities will find it respectable to work at home, knowing that they will be able to receive wages comparable to those offered in other countries. Hence, at least a fraction of them will return home and provide fresh ideas on how to diversify and improve national decision-making, moving older monopolists away from their chairs. To a certain extent, this new approach will also address the problem of brain drain, which has struck the Republic of Moldova in recent years following the increased accessibility and affordability of education and employment abroad (Benea-Popușoi and Arivonici, 2021: 66; Șerpi, 2022: 173).

4. Concluding Remarks

While many people with whom this author discussed systemic corruption were desperate about even attempting to fight it, he believes that, with proper legal and institutional frameworks in place, corruption can be turned from a rule into an exception. Based on the above discussion on Klitgaard's famous formula of corruption, this research aimed at explaining how it can be modified to fit the local context of post-USSR hybrid democracies. The main goal of this contribution was to argue that, by increasing wages of the public sector workers, especially those

holding traditional offices of power (police, bureaucrats, and other government employees), it is possible, at least in theory, to diminish the level of corruption in the system. However, it invites compliance with several strong assumptions. Besides increased wages and pensions, these include building an extensive living infrastructure for public officials, modifications to criminal law, and more transparency in the form of disclosing governmental workers' income declarations.

It goes without saying that these suggestions are not without limitations. One might reasonably contradict this argument by stating that its implementation will require significant investment on behalf of the government because it will imply a redistribution of the public budget towards the public sector to build apartments and increase wages. However, a counterargument would be that it might be resolved with the help of international lending institutions, such as Bretton Woods, because they will be more than eager to help a country that sincerely undertakes a course on fighting corruption systemically. Eventually, once the problem of systemic corruption is taken control of, all the previously stolen resources will become available.

Another objection might refer to this approach's compliance with the principles of the rule of law and non-discrimination, especially because it suggests a differential treatment regime, at least under criminal law, by implying more severe forms of punishment for governmental officials than for anyone else. Nevertheless, two points are crucial here. First, a high position involves a high level of responsibility. Although police officers and bureaucrats are (almost) never elected in the Republic of Moldova, they provide vital public services and thus have to be accountable to the public. This accountability implies a higher degree of civil and criminal punishment for crimes performed within their official capacity. Second, it is in the very nature of hybrid and transitional regimes that carrots fail to produce expected results: stick, thus, is the most effective, if not the only, way at this stage, to achieve liberal aims. However, as the country strives to join the European Union, it has to do so by giving full respect to liberal values, which involves that each and every instance of interference with persons' rights in the course of eradicating corruption has to be necessary, proportionate, and serve public goals. Furthermore, one should notice that the suggestions proposed in this essay offer short-term limitations in order to fight the issue of systemic corruption, a very legitimate aim in itself. Once the problem is addressed effectively and the situation is stabilised, there will be no need for such strict rules; reasonable *ex ante* regulation will suffice to keep systemic corruption under control.

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**МЕЖДУНАРОДНЫЙ ОПЫТ СОЗДАНИЯ AD HOC СРЕДСТВ ЗАЩИТЫ ДЛЯ
ЦЕЛЕЙ ИСПОЛНЕНИЯ ОБЯЗАТЕЛЬСТВ ПО ЗАЩИТЕ ПРАВ ЧЕЛОВЕКА**

**INTERNATIONAL EXPERIENCE IN CREATING AD HOC REMEDIES FOR THE
PURPOSE OF FULFILLING HUMAN RIGHTS OBLIGATIONS**

**EXPERIENȚĂ INTERNAȚIONALĂ ÎN CREAREA DE CĂI DE ATAC AD-HOC ÎN
SCOPUL ÎNDEPLINIRII OBLIGAȚIILOR PRIVIND DREPTURILE OMULUI**

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**ABSTRACT:
INTERNATIONAL EXPERIENCE IN CREATING AD HOC REMEDIES FOR THE PURPOSE
OF FULFILLING HUMAN RIGHTS OBLIGATIONS**

The formation of scientifically grounded concepts regarding the means of protecting human rights in uncontrolled territories is an extremely pressing task. This is particularly significant for post-Soviet states. The predictability of the human rights situation in such territories, along with its consequences, is diminishing, which leads to an increased potential for conflict in social interactions. Understanding the properties of ad hoc legal remedies as a socio-legal phenomenon is of key importance for ensuring the observance of human rights under any circumstances, going beyond judicial proceedings alone.

Keywords: human rights, ad hoc means, sovereignty, state territory, effective control, international tribunals, uncontrolled territories.

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**РЕЗЮМЕ:
МЕЖДУНАРОДНЫЙ ОПЫТ СОЗДАНИЯ AD HOC СРЕДСТВ ЗАЩИТЫ ДЛЯ ЦЕЛЕЙ
ИСПОЛНЕНИЯ ОБЯЗАТЕЛЬСТВ ПО ЗАЩИТЕ ПРАВ ЧЕЛОВЕКА**

Формирование научно обоснованных представлений о средствах защиты прав человека на неподконтрольных территориях — чрезвычайно актуальная задача. Это особенно значимо для постсоветских государств. Предсказуемость ситуации с правами человека на таких территориях, как и их последствий, снижается, что ведет к росту конфликтности социальных взаимодействий.

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Понимание свойств *ad hoc* средств правовой защиты как социально-правового феномена приобретает ключевое значение для обеспечения гарантий соблюдения прав человека при любых обстоятельствах, не ограничиваясь лишь судопроизводством.

Ключевые слова: *ad hoc* средства, суверенитет, государственная территория, эффективный контроль, международные трибуналы, неподконтрольные территории.

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REZUMAT:

EXPERIENȚĂ INTERNAȚIONALĂ ÎN CREAREA DE CĂI DE ATAC AD-HOC ÎN SCOPUL ÎNDEPLINIRII OBLIGAȚIILOR PRIVIND DREPTURILE OMULUI

Conceptualizarea raționamentelor științifice privind mijloacele de protecție a drepturilor omului în teritoriile necontrolate este o sarcină extrem de importantă. Acest lucru este deosebit de semnificativ pentru statele post-sovietice. Predictibilitatea situației în domeniul drepturilor omului în astfel de teritorii, precum și a consecințelor acesteia, se reduce, ceea ce duce la o creștere a conflictualității în interacțiunile sociale. Înțelegerea particularităților mijloacelor *ad hoc* de protecție juridică ca fenomen socio-juridic capătă o importanță crucială pentru asigurarea garanțiilor respectării drepturilor omului în orice circumstanțe, fără a se limita doar la activitatea instanțelor de judecată.

Cuvinte cheie: drepturile omului, mijloace *ad hoc*, suveranitate, teritoriu de stat, control efectiv, tribunale internaționale, teritorii necontrolate.

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Введение.

Уже более 33 лет как Республика Молдова поражена конфликтом, приведшим к утрате суверенитета над частью своей территории. Тем не менее, Европейский суд по правам человека определил, что статья 1 Европейской конвенции о защите прав человека требует от Правительства Молдовы соблюдения позитивных обязательств перед лицами, находящимися на неподконтрольной территории¹. К позитивным обязательствам, Европейский суд по правам человека (далее — ЕСПЧ), среди прочего, отнес меры юридического характера.

Сложившаяся в эти годы в Республике Молдова практика отрицания неконституционных органов власти Приднестровья и их решений, и практика возбуждения уголовных дел в отношении должностных лиц де-факто властей Приднестровья по основаниям присвоения властных полномочий демонстрируют полную неэффективность таких практик, а потому они не могут считаться исполнением позитивных обязательств по смыслу статьи 1 Конвенции. Совершенно очевидно, что на части территории Республики Молдова — в Приднестровье — существует административная практика постоянных нарушений, несовместимая с положениями Конвенции, и Республика Молдова проявляет официальную терпимость в отношении подобных нарушений².

Невозможность осуществления в полном объеме суверенных полномочий Республикой Молдовой над частью собственной территории явно указывает на необходимость использования *ad hoc* международных средств для целей исполнения указанных

¹ Eur. Court H.R., *Iascu and Others v. Moldova and Russia* [GC], no. 48787/99, § 331, 08.07.2004г.; *Ivantoc and Others v. Moldova and Russia*, no. 23687/05, § 105 — 111, 15.11.2011г.; *Catan and Others*, nos. 43370/04, 8252/05 и 18454/06, § 109. [Online]: <https://hudoc.echr.coe.int>.

² Eur. Court H.R., *Akdivar and Others v. Turkey*, no. 21893/93, 16.09.1996, § 67

позитивных обязательств. Применимость данных средств в условиях приднестровского конфликта определяется контекстом ситуации, в которых они создавались, порядком их инициирования и их компетенцией.

Учреждение и функционирование межгосударственного механизма защиты прав и свобод человека и гражданина является одним из важных достижений в международном регулировании прав человека¹.

Идея создания нового типа уголовных судов (смешанных, гибридных, интернационализированных) получила хождение с конца 1990-х годов. За последние 25 лет произошел небывалый рост количества международных судов (Окружной суд Дили (Восточный Тимор); суда по Сьерра-Леоне; чрезвычайных палат в судах Камбоджи. Некоторые авторы добавляли к этому списку Специальный трибунал по Ливану, Программу международных судей и прокуроров в Косове и Высший суд в Ираке. Как Международный трибунал по бывшей Югославии МТБЮ) и Международный трибунал по Руанде). Это явление в правовой доктрине получило наименование «пролиферация»² (лат. proles — потомство, ferre — нести).

Ad hoc трибуналы

Специальный суд по Сьерра-Леоне. Начавшаяся в начале 90-х гг. XX в. гражданская война сопровождалась массовыми и систематическими нарушениями международного гуманитарного права, нарушениями законов и обычаев войны и преступлениями против человечности. В ходе конфликта более 2 млн человек были вынуждены покинуть свои дома, было широко распространено насилие на сексуальной и гендерной почве, массовые убийства, ампутации конечностей и других частей тела, а также вербовка детей в вооруженные силы воюющих сторон³. В 2000 году По просьбе Президента Сьерра-Леоне Совет Безопасности ООН учредил Специальный суд по Сьерра-Леоне. Данный суд уполномочен был осуществлять судебное преследование лиц, несущих наибольшую ответственность за серьезные нарушения международного гуманитарного права и законодательства Сьерра-Леоне, совершенные на территории Сьерра-Леоне с 30 ноября 1996 г.⁴. Устав Специального суда закрепил параллельную юрисдикцию Специального суда и национальных судов Сьерра-Леоне. При этом в пределах своей юрисдикции Специальный суд имел верховенство над национальными судами⁵. Трибунал состоял из двух камер: Судебной камеры, в которую входили трое судей: один назначался правительством Сьерра-Леоне, а двое — Генеральным секретарем ООН, и Апелляционной камеры, состоявшей из пяти судей: двое назначались правительством Сьерра-Леоне, а трое — Генеральным секретарем ООН из числа кандидатур, выдвинутых государствами, и после консультаций с правительством Сьерра-Леоне. Исполнение решений трибунала: лишение свободы отбывается в Сьерра-Леоне или в любом из государств, которые заключили с Международным уголовным трибуналом по Руанде или Международным трибуналом по бывшей Югославии соглашение об исполнении приговоров и которые сообщили Секретарю Специального суда о своей готовности принять осужденных.

Специальный трибунал по Ливану. 14 февраля 2005 г. в Бейруте был совершен террористический акт, в результате которого, помимо 21 человека, погиб премьер-министр Ливана Рафик Харири и 226 человек было ранено. Создание Специального трибунала по Ливану стало первым прецедентом создания специального судебного органа для

¹ Азаров А., Ройтер В., Хюфнер К. Права человека. Международные и российские механизмы защиты. М., 2003. С. 78.

² Толстых В.Л. Пролиферация международных судов и ее последствия // Российское правосудие. 2010. № 10. С. 54–63

³ Волчкевич А. И. Специальный суд по Сьерра-Леоне: особенности правового статуса и основные проблемы деятельности // Вопросы международного права. 2011. № 3. С. 1–15. [Online]: https://elib.bsu.by/bitstream/123456789/30777/1/volchkevich_2011_3_IL_issues_r.pdf.

⁴ Письмо Генерального секретаря от 6 марта 2002 года на имя Председателя Совета Безопасности: док. ООН: S/2002/246. - Нью-Йорк: ООН, 2002. - 37 с.

⁵ Устав Специального суда по Сьерра-Леоне // Резолюция Совета Безопасности ООН 1315 (2000). [Online]: <https://www.un.org/securitycouncil/s/res/1315%282000%29>.

отправления правосудия в связи с единственным совершенным актом терроризма, несмотря на то, что до 14 февраля 2005 г. имели место и более крупные террористические акты (взрывы в Бомбее (1993 г.), взрывы посольств США в Кении и Танзании (1998 г.), террористические нападения 11 сентября 2001 г., нападение на туристов на Бали (2002 г.) и др.)¹. Инициатива создания Специального трибунала по Ливану исходила не от международного сообщества в лице ООН или группы государств, как это уже имело место в случае Международного трибунала по бывшей Югославии (Резолюция СБ ООН 827 (1993)), Международного трибунала по Руанде (Резолюция СБ ООН 955 (1994)), Специального суда по Сьерра-Леоне (Резолюция СБ ООН 1315 (2000)), а от действующего премьер-министра Ливана, обратившегося с соответствующей просьбой на имя Генерального секретаря ООН. Вследствие политического кризиса в Ливане спикер отказался созывать парламент, и поэтому Соглашение о Специальном трибунале по Ливану², подписанное Правительством Ливана и Организацией Объединенных Наций 14 февраля 2005 года, не могло быть ратифицировано, несмотря на поддержку большинства парламентариев.³ Из-за этого политического тупика Генеральный секретарь ООН объявил, что Нидерланды согласились принять у себя трибунал. Юрисдикция трибунала распространяется на лиц, виновных в совершении нападения 14 февраля 2005 г. При этом если трибунал определял, что другие нападения, которые имели место в Ливане в период с 1 октября 2004 г. по 12 декабря 2005 г. или в любой последующий период, установленный сторонами с согласия Совета Безопасности, взаимосвязаны в соответствии с принципами уголовного правосудия и по своему характеру и степени тяжести аналогичны нападению 14 февраля 2005 г. Трибунал также обладал юрисдикцией над лицами, ответственными за такие нападения⁴. Специальный трибунал и национальные суды Ливана имели параллельную юрисдикцию, но в пределах своей юрисдикции трибунал имел верховенство над национальными судами Ливана.

Трибунал состоял из Камер (для судебных разбирательств и апелляций), Секретариата, Обвинителя и Канцелярии защиты. Обвинитель назначался Генеральным секретарём ООН сроком на три года и действовал в качестве самостоятельного органа трибунала. Секретариат отвечал за выполнение административных функций и обслуживание трибунала, он возглавлялся назначенным Генеральным секретарём лицом из числа сотрудников ООН. Руководителя Канцелярии защиты назначал Генеральный секретарь после консультаций с Председателем трибунала. Камеры трибунала включали в себя одного международного судью предварительного производства, Судебную камеру и Апелляционную камеру. Судебная камера состояла из трёх судей, среди них один являлся ливанским судьей, а двое других — международными судьями. Апелляционная камера состояла из пяти судей, двое из которых являлись ливанскими судьями, а трое — международными судьями. Также имелись два запасных судьи (ливанский и международный). Председатель трибунала одновременно возглавлял Апелляционную камеру. Все судьи назначались Генеральным секретарем на три года (повторно могли быть переназначены только после консультаций с правительством Ливана).

¹ Специальный трибунал по Ливану и прогрессивное развитие международного уголовного права. И.И. Синякин, А.Ю. Скуратова//МГИМО // Соглашение по трибуналу было введено в силу резолюцией СБ ООН 1757 от 30 мая 2007 года. [Online]: https://www.un.org/ru/documents/bylaws/special_tribuna_llebanon.pdf.

² Там же. В марте 2006 года в резолюции 1664 Совета Безопасности Организации Объединенных Наций Совет Безопасности просил Генерального секретаря провести консультации с правительством Ливана по вопросу создания международного трибунала для суда над лицами, ответственными за нападение 14 февраля 2005 года.

³ См.: UNSC Res 1595 (7 April 2005) UN Doc S/RES/1595; UNSC Res 1644 (15 December 2005) UN Doc S/RES/1644; UNSC Res 1664 (29 March 2006) UN Doc S/RES/1664; UNSC Res 1757 (30 May 2007) UN Doc S/RES/1757. [Online]: <https://www.un.org/securitycouncil/content/resolutions>.

⁴ Устав Специального трибунала по Ливану // Резолюция Совета Безопасности ООН 1757 (2007). Приложение. [Online]: https://www.un.org/ru/documents/bylaws/special_tribuna_llebanon.pdf.

Чрезвычайные палаты в судах Камбоджи (Камбоджийский трибунал или Трибунал Красных кхмеров) был судом, созданным для суда над высшими руководителями и наиболее ответственными членами Красных кхмеров за предполагаемые нарушения международного права и тяжкие преступления, совершенные во время геноцида в Камбодже. В конечном счете, геноцид Камбоджи по национальному признаку, имевший место при режиме Красных кхмеров, привел к гибели от 1,5 до 2 миллионов человек, что составляет около 25% населения Камбоджи¹.

В 1997 году два со-премьер-министра Камбоджи написали письмо Генеральному секретарю ООН с просьбой о помощи в организации судебного разбирательства против высших руководителей Красных кхмеров. После длительных переговоров соглашение между Королевским правительством Камбоджи и ООН было достигнуто и подписано 6 июня 2003 года. Соглашение было одобрено Генеральной Ассамблеей ООН.

Чрезвычайные палаты полномочны были рассматривать преступления, совершенные высокопоставленными руководителями Демократической Кампучии и теми лицами, которые несли наибольшую ответственность за преступления, совершенные в период с 17 апреля 1975 года по 6 января 1979 года и совершенные на территории Камбоджи. В мае 2006 года были утверждены 30 камбоджийских судей и судей ООН для руководства долгожданным трибуналом по геноциду выживших лидеров Красных кхмеров. Компетенция Чрезвычайных палат распространялась на серьезные нарушения камбоджийского уголовного права, международного гуманитарного права и обычаев, а также на нарушение международных конвенций, признанных Камбоджей, совершенные в период с 17 апреля 1975 года по 6 января 1979 года. Сюда входят преступления против человечности, военные преступления и геноцид. Главной целью трибунала, определенной Чрезвычайными палатами, было обеспечение правосудия для камбоджийского народа, ставшего жертвами политики режима Красных кхмеров в период с апреля 1975 по январь 1979 года.

Палата по правам человека в Боснии и Герцеговине. В 1992 году в результате развала Югославии независимость провозгласили Словения, Хорватия, Македония, а позже — Босния и Герцеговина, на территории которой была развязана Боснийская война. Первоначально все участники войны — босняки-мусульмане, хорваты-католики и сербы-православные — воевали против всех. Боевые действия в ходе событий Боснийской войны сопровождались актами геноцида, массовыми изнасилованиями, убийствами, этническими чистками и беспорядочными обстрелами городов и деревень с мирным населением. Погибло, по разным оценкам, от 100 до 200 тысяч человек, намного больше стали беженцами. Но после военной операции НАТО в 1995 году силы Республики Сербской были разгромлены. После этого начались мирные переговоры, которые позволили урегулировать конфликт².

В ноябре 1995 г. близ американского города Дейтон, Огайо, США, состоялись решающие переговоры между политическими и этническими группами, участвовавшими в боснийской войне (1992-1995), и было подписано Общее рамочное соглашение о мире в Боснии и Герцеговине. Приложением 6 к данному соглашению был создан *ad hoc* судебный орган — Палата по правам человека, правила и процедуры которой изложены на ее сайте³. Хотя Палата была создана международным соглашением, статус её не был международным — Палата была внутренней судебной инстанцией. Особенностью ситуации, сложившейся в Боснии и Герцеговине после распада Югославии было полное

¹ Kiernan B. The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975-79. 3rd ed. New Haven: Yale University Press, 2008, p. 456-460.

² Боснийская война 1992-1995. Причины, итоги, события, участники // Фактрус. [Online]: <https://faktrus.ru/боснийская-война-1992-1995/>.

³ Rules of Procedure of the Human Rights Chamber for Bosnia and Herzegovina // Official website of the Constitutional Court of Bosnia and Herzegovina. [Online]: http://hrc.ustavisud.ba/ENGLISH/rules/rules_of_procedure.htm.

отсутствие суверенитета — органы власти создавались вооруженными формированиями, под чьим контролем находилась местная территория, единых законов не было.

*Юрисдикция Палаты*¹. Палата могла принимать жалобы только по вопросам, которые входят в сферу ответственности одной из Сторон Приложения 6 (Государство Босния и Герцеговина, Федерация Боснии и Герцеговины и Республика Сербская), и которые произошли или продолжались после вступления в силу Дейтонского мирного соглашения от 14 декабря 1995 года.

Состав Палаты. Палата состояла из 14 членов. Четыре члена были назначены Федерацией Боснии и Герцеговины и двое — Республикой Сербской. Остальные восемь членов являлись международными и были назначены Комитетом министров Совета Европы. Председатель Палаты профессор Вольфганг Схофа (Wolfgang Schomburg) из Германии был назначен Комитетом министров Совета Европы из числа международных членов. Все назначенные члены являлись выдающимися юристами и привнесли в Палату широкий спектр опыта в различных сферах, включая судебную систему, академическую сферу, частную юридическую практику, администрацию и политику, а также международное, уголовное право и право прав человека.

Процедуры Палаты. Палата была создана по образцу ЕСПЧ. Если Палата с самого начала решала, что жалоба является неприемлемой или должна быть исключена, от заявителя и Стороны-ответчика запрашивались письменные замечания, после чего Палата их обсуждала и принимала решение по делу. Помимо письменного производства Палата могла принять решение о назначении публичного слушания для устных прений сторон и представления доказательств свидетелями и экспертами. Если Палата обнаруживала нарушение, она могла в своем письменном решении по существу издать приказ, указывающий шаги, которые Сторона-ответчик должна предпринять для устранения нарушения, включая приказ о прекращении и воздержании или предоставлении денежной компенсации. На любой стадии разбирательства он также мог назначить временные меры или попытаться способствовать мирному урегулированию, основанному на уважении прав человека.

Исполнение решений Палаты. Решения Палаты являлись окончательными и обязательными, и Стороны-ответчики обязаны были выполнить их в полном объеме. Решения Палаты по существу передавались в Организацию по безопасности и сотрудничеству в Европе (ОБСЕ) и в Управление Верховного представителя (ОHR) для контроля за соблюдением. Механизм принуждения исполнения решений Палаты включал в себя, как финансовые санкции, так и силу, использование которой было в компетенции Специального представителя ООН с подчинённой ему международной полицией (из сил KFOR).

Специальный трибунал для преступления агрессии против Украины. 25 июня 2025 года Президент Украины Владимир Зеленский и Генеральный секретарь Совета Европы Ален Берсе подписали соглашение о создании Специального трибунала для преступления агрессии против Украины² (далее «Трибунал»). Трибунал ожидается стать операционным в 2026 году и будет судить высших политических и военных лидеров, ответственных за агрессию против Украины с февраля 2022 года. Это стал первым в истории прецедентом, когда Совет Европы участвовал в создании международного уголовного трибунала.

Инициатива создания трибунала исходила не от одного государства в одностороннем порядке, а была поддержана 46 странами, включая:

- государства-члены Европейского союза;

¹ Там же.

² Agreement between Ukraine and the Council of Europe on the establishment of the Special Tribunal for the crime of aggression against Ukraine. Signed on 25 June 2025 by President V. Zelenskyy and Secretary General A. Berset. [Online]: <https://www.coe.int/en/web/portal/-/ukraine-and-the-council-of-europe-sign-agreement-on-establishing-a-special-tribunal-for-the-crime-of-aggression-against-ukraine>.

- Австралию, Коста-Рику, Соединенное Королевство, Гватемалу, Лихтенштейн, Норвегию и Швейцарию;

- Организацию Объединенных Наций.

Соглашение открыто для присоединения государств-наблюдателей и нечленов Совета Европы, включая другие международные организации.

Эволюция *ad hoc* механизмов в системе международной юрисдикции. Появление *ad hoc* судов в конце XX века отражает качественный переход от универсальных международных трибуналов (Нюрнберг, Токио) к гибридным и региональным юрисдикциям, ориентированным на конкретные конфликты и контексты. Эти институты продемонстрировали, что международная юстиция способна не только ретроспективно наказывать, но и замещать отсутствующую национальную судебную власть. Именно этот замещающий характер придаёт *ad hoc* механизмам особое значение для защиты прав человека в условиях утраты государственного контроля над территорией.

В доктрине международного права подчеркивается, что появление подобных судов стало следствием «функциональной фрагментации» международного правопорядка, когда нормы гуманитарного и прав человека требуют специализированных институциональных решений для их реализации¹. Так, Специальный суд по Сьерра-Леоне и Палата по правам человека в Боснии и Герцеговине воплотили новую форму «международной юрисдикции ограниченной цели» (*purpose-limited jurisdiction*), где полномочия определяются задачей восстановления правосудия в конкретной зоне конфликта².

Создание этих механизмов показывает, что международное право эволюционирует не только через кодификацию норм, но и через институциональные инновации, возникающие как ответ на «вакуум правовой защиты». Такой же подход применим и к приднестровскому региону, где отсутствует действующая система национальных судов, способная обеспечить гарантии Европейской конвенции о защите прав человека и основных свобод (далее — Конвенция).

Значение *ad hoc* механизмов для защиты прав человека в Приднестровском регионе Республики Молдова

Ситуация в приднестровском регионе Республики Молдова имеет ряд сходств со спорами, разрешаемыми через *ad hoc* механизмы.

1. Отсутствие суверенного контроля. Существенным признаком, указывающим на применимость опыта Палаты по правам человека Боснии и Герцеговины к защите прав человека в приднестровском регионе Республики Молдова, является отсутствие государственного суверенитета на этих территориях: на территории Боснии и Герцеговины — в результате распада Югославии, на территории Приднестровья — в результате действий подконтрольной России администрации.

2. Невозможность осуществления национальной юрисдикции. Молдавские судебные органы не могут осуществлять свою юрисдикцию на неподконтрольной территории, что создает вакуум в защите прав человека.

3. Нарушения прав человека. Европейский суд по правам человека многократно устанавливал систематические нарушения прав человека на территориях, неподконтрольных Молдове³.

4. Необходимость международного механизма. Европейский суд по правам человека отмечал о недопустимости «вакуума в системе защиты прав человека»⁴, что требует *ad hoc* механизма, который может действовать независимо от де-факто властей и подвергать контролю их решения.

¹ Cassese A. International Criminal Law. Oxford: Oxford University Press, 2013, p. 21–23.

² Sassòli M. Transitional Justice and Hybrid Courts: The Path Between International and Domestic Justice. Cambridge: Cambridge University Press, 2022, p. 118.

³ Eur. Court H.R. Catan and Others v. Moldova and Russia, nos. 43370/04, 8252/05 и 18454/06, Judgment of 19 October 2012, § 109. [Online]: <https://hudoc.echr.coe.int>.

⁴ Eur. Court H.R. Cyprus v. Turkey [GC], no. 25781/94, Judgment of 10 May 2001, § 78. [Online]: <https://hudoc.echr.coe.int>.

Статья 1 Европейской конвенции о защите прав человека требует от государств-участников соблюдения позитивных обязательств перед лицами, находящимися на неподконтрольной территории. Европейский суд по правам человека установил, что государства несут ответственность за нарушения прав на территориях, над которыми они имеют эффективный контроль. В контексте Республики Молдова это означает:

1. Позитивное обязательство защиты. Даже если Молдова не может осуществлять полный суверенный контроль над Приднестровьем, она имеет позитивное обязательство предпринять все разумные шаги для защиты прав человека на этой территории, включая и меры юридического характера¹.

2. Необходимость эффективных средств. В деле *Mozer v. Moldova and Russia* Суд указал, что отсутствие эффективных средств правовой защиты само по себе является нарушением статьи 13 Конвенции². Признав, что внутренние механизмы (игнорирование де-факто органов власти, возбуждение уголовных дел) неэффективны, молдавское государство должно рассмотреть *ad hoc* международные механизмы.

3. Заинтересованность Совета Европы. Требование Европейского суда по правам человека избегать «вакуума в системе защиты прав человека» порождает неформализованное обязательство Совета Европы в обеспечении защиты прав на территории, неподконтрольной государству, подписавшему Конвенцию. Совет Европы уже имеет опыт прямого участия в институтах международной юстиции. В частности, Комитет министров Совета Европы назначал международных судей в Палату по правам человека в Боснии и Герцеговине, а в 2025 г. именно Совет Европы стал соучредителем Специального трибунала по преступлению агрессии против Украины. Это указывает на формирование нового направления его деятельности — юрисдикционной дипломатии, при которой организация выступает гарантом непрерывности защиты прав человека в Европе³.

При наличии политической воли в исполнении позитивных обязательств в части принятия мер юридического характера Правительству Молдовы следует инициировать официальное обращение Молдовы в Совет Европы; разработать соглашения, четко определяющего мандат, юрисдикцию, состав судей; предложить соглашение для ратификации национальным парламентом и органами Совета Европы.

Закключение

Применение международного опыта создания *ad hoc* средств защиты к приднестровскому контексту является перспективным направлением для обеспечения эффективной защиты прав человека на территориях, неподконтрольных правительством. Однако это требует политической воли, как от Республики Молдова, так и от международного сообщества, а также преодоления определенных юридических и политических препятствий.

Создание *ad hoc* суда Советом Европы для защиты прав человека в Приднестровье могло бы стать важным шагом в реализации постулатов, установленных Европейским судом по правам человека, и могло бы послужить моделью для других ситуаций, связанных с защитой прав человека на территориях с ограниченным государственным суверенитетом. Кроме того, создание такого механизма защиты исключит подсудность дел, исходящих из Приднестровья, Европейскому суду по правам человека, а вместе с ней и ответственность Республики Молдова за нарушения прав человека в приднестровском регионе.

¹ Eur. Court H.R. *Mozer v. Moldova and Russia* [GC], no. 11138/10, Judgment of 23 February 2016, §§ 98–111, 149–151. [Online]: <https://hudoc.echr.coe.int>.

² Там же, §§ 98–111.

³ Council of Europe. Reykjavík Declaration on the situation of human rights and rule of law in Europe. Strasbourg, 2023. [Online]: <https://www.coe.int>.

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**TRIBUNA TÎNĂRULUI CERCETĂTOR
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**POLITICAL-INSTITUTIONAL ASPECTS OF DECISION-MAKING
OF LAY JUDGES: A PROPOSAL FOR BEHAVIORAL INTERVENTION
IN THE EDUCATION OF JURORS**

**ASPECTE POLITICO-INSTITUȚIONALE ALE LUĂRII DECIZIILOR
JUDECĂTORILOR LAICI: O PROPUNERE DE INTERVENȚIE
COMPORTAMENTALĂ ÎN EDUCAȚIA JURAȚILOR**

**ПОЛИТИКО-ИНСТИТУЦИОНАЛЬНЫЕ АСПЕКТЫ ПРИНЯТИЯ РЕШЕНИЙ
НАРОДНЫМИ ЗАСЕДАТЕЛЯМИ: ПРЕДЛОЖЕНИЕ О ПОВЕДЕНЧЕСКОМ
ВМЕШАТЕЛЬСТВЕ В ПРОЦЕСС ОБУЧЕНИЯ ПРИСЯЖНЫХ ЗАСЕДАТЕЛЕЙ**

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ABSTRACT:

**POLITICAL-INSTITUTIONAL ASPECTS OF DECISION-MAKING OF LAY JUDGES: A
PROPOSAL FOR BEHAVIORAL INTERVENTION IN THE EDUCATION OF JURORS**

The topic reflects the political science significance of the exercise of judicial power as an independent pillar of democracy. The decision-making of lay judges, who lack legal education, may be influenced by various cognitive biases, posing a risk to fair trial standards, the legitimacy of decisions, and public trust in the judiciary.

This article examines the impact of cognitive biases on the decision-making of lay judges in the Slovak Republic, the Czech Republic, Austria, and Sweden. Based on a comparative analysis of legislative frameworks, international approaches to the education of lay judges, and the author's personal experience as a lay judge in a criminal panel, it highlights the risks of lay adjudication without systematic training. The aim is to propose a training model in cooperation with the Judicial Academy of the Slovak Republic that would contribute to improving the quality of decision-making and enhancing public trust in the judiciary. Particular attention is paid to the psychological aspects of decision-making, especially cognitive biases that may affect the impartiality and fairness of judicial decisions.

Keywords: lay judge, people's judge, cognitive biases, decision-making, judiciary, Judicial Academy, education, empirical experience.

JEL Classification: K40; K49

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РЕЗУМАТ:

ASPECTE POLITICO-INSTITUȚIONALE ALE LUĂRII DECIZIILOR JUDECĂTORILOR LAICI: O PROPUNERE DE INTERVENȚIE COMPORTAMENTALĂ ÎN EDUCAȚIA JURATIILOR

Subiectul reflectă semnificația științei politice a exercitării puterii judiciare ca pilon independent al democrației. Luarea deciziilor judecătorilor laici, care nu au educație juridică, poate fi influențată de diferite prejudecăți cognitive, care prezintă un risc pentru standardele de proces echitabil, legitimitatea deciziilor și încrederea publicului în sistemul judiciar.

Acest articol examinează impactul prejudecăților cognitive asupra procesului decizional al judecătorilor laici din Republica Slovacă, Republica Cehă, Austria și Suedia. Pe baza unei analize comparative a cadrelor legislative, a abordărilor internaționale privind educația judecătorilor laici și a experienței personale a autorului ca judecător laic într-o comisie penală, aceasta evidențiază riscurile judecării laice fără o pregătire sistematică. Scopul este de a propune un model de formare în cooperare cu Academia judiciară din Republica Slovacă, care să contribuie la îmbunătățirea calității procesului decizional și la consolidarea încrederii publice în sistemul judiciar. O atenție deosebită este acordată aspectelor psihologice ale luării deciziilor, în special prejudecăților cognitive care pot afecta imparțialitatea și corectitudinea deciziilor judiciare.

Cuvinte cheie: judecător laic, judecător al poporului, prejudecăți cognitive, luarea deciziilor, justiție, Academie judiciară, educație, experiență empirică.

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РЕЗЮМЕ:

ПОЛИТИКО-ИНСТИТУЦИОНАЛЬНЫЕ АСПЕКТЫ ПРИНЯТИЯ РЕШЕНИЙ НАРОДНЫМИ ЗАСЕДАТЕЛЯМИ: ПРЕДЛОЖЕНИЕ О ПОВЕДЕНЧЕСКОМ ВМЕШАТЕЛЬСТВЕ В ПРОЦЕСС ОБУЧЕНИЯ ПРИСЯЖНЫХ ЗАСЕДАТЕЛЕЙ

Тема отражает политологическое значение осуществления судебной власти как независимого столпа демократии. На принятие решений народными заседателями, не имеющими юридического образования, могут влиять различные когнитивные предубеждения, что ставит под угрозу стандарты справедливого судебного разбирательства, законность решений и доверие общественности к судебной системе.

В этой статье рассматривается влияние когнитивных предубеждений на принятие решений народными заседателями в Словацкой Республике, Чехии, Австрии и Швеции. Основанный на сравнительном анализе законодательной базы, международных подходах к обучению народных заседателей и личном опыте автора в качестве народного заседателя в коллегии по уголовным делам, он подчеркивает риски вынесения решений народными заседателями без систематической подготовки. Цель состоит в том, чтобы предложить модель обучения в сотрудничестве с Судебной академией Словацкой Республики, которая способствовала бы повышению качества принятия решений и укреплению доверия общественности к судебной системе. Особое внимание уделяется психологическим аспектам принятия решений, особенно когнитивным предубеждениям, которые могут повлиять на беспристрастность и справедливость судебных решений.

Ключевые слова: непрофессиональный судья, народный судья, когнитивные предубеждения, принятие решений, судебная система, Судебная академия, образование, эмпирический опыт.

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Introduction

The function of lay judges is an important element of democratic justice, which enables the involvement of the lay public in the decision-making process. In practice, however, the question

arises as to the extent to which jurors are prepared to perform this function and what risks their lack of legal and psychological education brings. One of the important factors influencing decision-making are cognitive biases – systematic errors in thinking that can have a major impact on the fairness of decisions. The author of the article also draws on her own experience as a juror in the criminal chamber, where she encounters decision-making dilemmas, pressure on the speed of proceedings, as well as the diverse personalities of the defendants. He perceives the need for better preparation of jurors, especially in the field of legal minimum, ethics and psychology of decision-making. In the Senate where he works, the importance of professional leadership on the part of the Chairman of the Senate, who is able to draw attention to the risks of intuitive decision-making and the need for objectivity, is shown. The participation of lay judges in decision-making in criminal proceedings is an important element of democratic legitimacy and civic participation in the administration of justice. This institute, anchored in the legal systems of several European countries, reflects the effort to connect the judiciary with the public and to strengthen citizens' trust in decision-making processes. In the Slovak context, it is also an expression of the realization of the right to a fair trial, as guaranteed by Article 48(2) of the Constitution of the Slovak Republic. Despite this democratization intention, it turns out in practice that the potential of jurors is not fully utilized. Their participation in decision-making is often formal, without sufficient methodological support or legal awareness. This state of affairs raises questions about the effectiveness and meaningfulness of their action, but at the same time opens up space for modernization interventions through public and behavioral policies. The aim of this thesis is to analyze the legal and institutional frameworks of four European models – Slovakia, the Czech Republic, Austria and Sweden – and to identify the factors that affect the quality of jurors' participation. Special attention is paid to the design of behavioral intervention in the education of jurors, which aims to strengthen their decision-making competence, self-confidence and ability to actively participate in the judicial process. At the same time, the hierarchy of responsibility within the Senate is consistently respected in the work – the most responsible and decisive member remains a professional judge, whose professional qualifications and legal responsibility are essential to ensure the legality, fairness and quality of decisions. Jurors should be seen as a complementary element of decision-making – as the voice of society that enriches legal discourse without disrupting its professional leadership.

Research questions:

- What is the political science significance of the institute of jurors within the democratic judiciary?
- What cognitive distortions most often affect the decision-making of lay judges?
- How does the legislation and approach to the education of jurors differ in the Slovak Republic, the Czech Republic, Austria and Sweden?
- What are the risks posed by the lack of education of jurors to the fairness and legitimacy of judicial decisions?
- How can systematic education of jurors contribute to increasing public trust in the judiciary?

1 Historical development of the function of lay judges

The function of lay judges has deep historical roots, which date back to the Austro-Hungarian period. Already at this time, forms of lay decision-making appeared, especially in specialized areas such as mining, commercial disputes or labor law. Lay members of the courts were invited mainly for their expertise in a particular environment, not for their legal education. After the establishment of Czechoslovakia in 1918, a jury system was introduced, which represented a significant democratization element. The jurors decided on guilt, while the judges decided on the sentence. This model was inspired by Anglo-Saxon law, but gradually proved to be ineffective in the conditions of Central European continental law. After the end of World War II, extraordinary retribution so-called people's courts were established, which discussed matters of treason or collaboration with fascism. The second significant intervention in judicial practice was the introduction of the position of a judge from the people. Lay judges were elected in the plenums of

national committees and were formally equal to professional judges. The Constitution of May 1948 was supposed to guarantee the independence of the courts, but in practice the judiciary became an instrument of the regime. (Act No. 319/1948 Coll.) Coll. on the popularization of the judiciary, he abolished the jury system and introduced the institute of judges from the people, who were incorporated into the chambers at all levels of judicial organization – including the Supreme Court. Their selection took place through district and regional national committees, while emphasis on working-class origin and membership in the Communist Party. Judges from the people had a numerical majority in the chambers and their vote had the same weight as the vote of a professional judge. Procedural: free evaluation of evidence, structure of the trial. Independence is not a privilege, but a functional need of the judicial system. Judges have a unique position – if they do not commit an intentional crime or a serious disciplinary offense, they are undismissable and their salary is irreducible. Impartiality is a broader concept than independence. It means the absence of a relationship with the party to the proceedings, the legal representative or the case itself. Its violation can be objected to in legal ways. The responsibility of judges is to control the implementation of independence and impartiality. It includes disciplinary liability. The law also provides for internal personal responsibility as part of judicial competence.

2 Cognitive biases in decision-making

Judges' decision-making is a complex process that involves not only legal knowledge, but also psychological factors. In recent years, more and more attention has been paid to the impact of cognitive biases – systematic errors in thinking – on decision-making in judicial practice. These distortions can affect the evaluation of evidence, the interpretation of legal norms or the verdict itself. *One of the most significant types of biases are heuristics, i.e. mental shortcuts, which, although they simplify decision-making, can also lead to inaccuracies. In her diploma thesis, (Olšovská, 2023) (2023) identifies three key heuristics: anchoring, representativeness, and hindsight. Anchoring is manifested, for example, in the proposal of a sentence, where initial information (e.g. a proposal by a prosecutor) may unduly influence the final decision of the judge. Representativeness leads to generalizations based on similarity to a typical case, which can be misleading. Hindsight, on the other hand, causes events to appear predictable only after they have occurred, thus distorting the objective assessment of the situation. (Baráková, 2020) (2020) draws attention to the risks of heuristics, especially when evaluating evidence such as expert opinions. Judges may be influenced by the authority of the expert, the form of the presentation of evidence or previous experience, which may lead to an unconscious preference for one piece of evidence over another. In Slovakia, heuristics in professional decision-making are the subject of the collective monograph (Halama et al., 2017) (2017), which examines the processual, personality and social aspects of decision-making. Research points to the importance of so-called microcognitions – small mental operations that take place during decision-making and are often unconscious. These microcognitions can be influenced by stress, time pressure, personal values, or interaction with other members of the panel. From the lay judge's point of view, it is important to note that even a layman can be prone to cognitive biases, especially if he or she does not have sufficient legal education or experience in evaluating evidence. Therefore, the education of jurors should also include the basics of decision-making psychology in order to minimize the impact of biases on the outcome of the trial.*

3 A more detailed look at selected cognitive biases

Cognitive biases are systematic errors in thinking that affect judges' decision-making. In her article, Martina Martino (Baráková, 2020) draws attention to specific types of distortions that occur especially in the evaluation of expert opinions.

1. Anchoring Bias: Judges may unconsciously cling to the first piece of information they receive – for example, a proposal for the amount of the sentence. This information serves as a reference point from which further decision-making is based. Research shows that even irrelevant numbers (e.g. rolling the dice) can affect the amount of the proposed penalty.

2. Representativeness Heuristic: Judges judge cases based on similarity to a typical case, which leads to generalizations. A defendant who behaves similarly to an offender from the past may be perceived as equally guilty

3. Hindsight Bias: After the event, the decision seems predictable. Judges can retrospectively evaluate the defendant's actions as irresponsible, even though he acted appropriately at the given moment.

4. Framing Effect: The form of information presentation influences the decision. For example, '90% probability of innocence' vs. '10% probability of guilt' – although it is the same information, its perception is different.

5. Confirmation Bias: Judges look for evidence that supports their preliminary opinion and ignore those that contradict it. This jeopardizes the objectivity of the decision.

6. Expert Authority Effect: Judges can be influenced by the expert's authority – their titles, rhetoric, manner of presentation – leading to an uncritical acceptance of their conclusions.

The author's recommendations include increasing the psychological literacy of judges, introducing reflective techniques in the evaluation of evidence, and promoting interdisciplinary learning.

4 Conditions for the appointment of a lay judge

One of the lesser-known competencies of the municipal council is the election of lay judges of district courts. In practice, it mainly affects larger municipalities according to the needs of the district court in whose district there is a specific municipality/city. Jurors in a court (hereinafter referred to as 'lay judges') represent a lay element in the decision-making of certain cases by courts (a very distant analogy is juries in the system of Anglo-American law). Jurors are non-legal members of a panel of judges who participate in deciding on guilt and punishment on an equal footing with a judge in district courts in criminal cases. Their role is important and responsible, as they co-decide on serious legal issues. Although the position of a juror is not associated with high social prestige, its essence is civic engagement, interest in justice and willingness to participate in the administration of justice. The function of a lay judge is regulated by Act No 385/2000 Coll. on judges and lay judges. This Act lays down the basic conditions that a citizen must meet in order to be appointed as a lay judge at a court. A lay judge participates in decision-making in the Senate, where he or she has the same voting rights as a judge, but cannot be the President of the Senate. A citizen of the Slovak Republic with permanent residence in the territory of the Slovak Republic. Integrity – must not have been convicted of an intentional crime. Full legal capacity. Be at least 30 years old on the date of appointment. Moral qualities that guarantee proper and impartial performance of office.

A juror is appointed for a term of four years, which may be reappointed. The office of a lay judge ceases upon expiry of the term of office, resignation from office, dismissal from office or death.

4.1 Historical conditions for the appointment of a juror (1948)

After 1948, there was a fundamental change in the organization of the judiciary in Czechoslovakia. (Act No. 319/1948 Coll.) Coll. on the Popularization of the Judiciary abolished the institute of jury and introduced a new institute of judges from the people. These judges were incorporated into chambers at all three levels of judicial organisation, including the Supreme Court. The selection of judges from the people by the district and regional national committees was based on their working-class origin and membership in the Communist Party of Czechoslovakia (KSČ). Equality in the voting of both forms of judges and the numerical predominance of judges from the people in the senates were supposed to be a guarantee of the contemporary class understanding of justice.

(Act No. 232/1948 Coll.) Coll. on the State Court regulated the specific conditions for the performance of the office of a judge from the people. According to Section 5, a person who was registered on the permanent electoral rolls, was between 35 and 60 years of age, and was not among the exceptions such as the President of the Republic, a member of the Government, clergymen or defence lawyers, could be appointed as a judge from the people. The appointment was carried out by the government on the proposal of the regional national committees, while the position was considered a civic duty. A judge from the people took an oath to decide in the spirit of the Constitution and the principles of the people's democratic system.

In practice, the selection of judges from among the people was guided by political criteria. The candidates had to be ideologically reliable, often members of the Communist Party of Czechoslovakia, and their decision-making was to be in line with the interests of the party. Employers, especially state-owned enterprises, could propose candidates who met these requirements. Judges from the people thus fulfilled not only a legal but also a political function within the socialist judiciary.

4.2 Extension of historical conditions – 1971

(Act No. 160/1971 Coll.) Coll. on the Election of Judges from the People of District and Regional Courts of the Slovak Socialist Republic followed the previous socialist concept of the judiciary. Judges from the people were defined as elected representatives of the working people. They were elected by the district and regional national committees on the proposal of the relevant body of the National Front.

Candidates had to live or work in the district of the court for which they were to be elected and meet the requirements of the Court Organisation Act. The proposals were submitted by social organizations associated in the National Front. After being elected, they took the oath in the hands of the chairman of the national committee. Lay judges could be dismissed before the end of their term of office if they were in serious breach of duty or for health reasons.

This law confirms the continuation of the ideological selection of jurors, where political and class criteria played a decisive role.

4.3 Comparison of conditions in 1948, 1971 and present:

1948 – Appointment by the government on the proposal of the regional national committees, age 35–60 years, civic duty, ideological reliability, membership in the Communist Party of Czechoslovakia.

1971 – Election by national committees at the proposal of the National Front, candidates from the district of the court, proposals from social organizations, continuation of class selection.

Present – Appointment according to (Act No. 385/2000 Coll.) Coll., citizen of the Slovak Republic with permanent residence, age at least 30 years, integrity, moral qualities, full legal capacity.

5 Comparative view

5.1 Austria – mixed model of lay participation

Austrian law maintains the tradition of a mixed system, in which a combination of the jury system and panels of judges with lay judges (Schöffengericht) is applied. This model was created in the 19th century as a compromise between the requirement of expertise of the courts and the effort for civil control of the administration of justice. In criminal matters in Austria, there are three basic forms of decision-making bodies: Single judge – decides on minor crimes. Chamber with judges and lay members (Schöffengericht) – usually one professional judge and two lay judges. Assize Court (Geschworenengericht) – guilt is decided by a twelve-member jury, punishment is decided by professional judges together with jurors. Austrian lay judges (Schöffen) have the same voting rights as professional judges and participate in the entire process, including taking evidence. They are appointed for a five-year period by local government bodies, which reinforces the principle of civic participation. Unlike Slovak jurors, however, they undergo preliminary training and evaluation, which increases their readiness to perform their duties.

The Austrian model is considered a relatively functional compromise. It combines elements of democratic legitimacy with procedural efficiency – laymen participate only in those proceedings where it is socially justified (e.g. serious crimes, ethically questionable cases). At the same time, there are no such delays as in systems with a completely separate jury.

5.2 Sweden – participatory model "Nämndemän"

Sweden takes a different approach, based on the principle of civil participation at all levels of justice. Lay judges, the so-called (Nämndemän), are an integral part of not only criminal, but also civil and administrative justice. Their participation is understood not as an exception, but as a basic expression of trust in citizens. Nämndemän is elected by municipal councils for a four-year term and their number in the Senate is generally between three and five, with a professional judge presiding over the Senate. In practice, therefore, most members of the Senate do not have a legal

education. In the vote on guilt and punishment, all members have equal voting rights, while the vote of the chairman does not carry any higher weight. An interesting feature of the Swedish system is the strong link between lay judges and municipal politics – since they are elected by local councils, they are often members or sympathizers of political parties. This model therefore has a high degree of democratic legitimacy, but also faces criticism for the risk of politicization of the judiciary.

Nevertheless, in Sweden, this system has been stable and socially accepted for a long time. The reason for this is high trust in the courts, transparency of selection and regular training, which reduces the risk of incompetence.

5.3 Czechia - builds on trust in civic wisdom

In Czech courtrooms, in addition to professional judges, we also meet lay judges – judges from the people. These lay members of the Senate have the same voting rights as their legal colleagues, but their path to the bench is markedly different. And most interestingly, they are not required to have any legal education. Lay judges are regulated by (Act No. 6/2002 Coll.) Coll. on Courts and Judges. Their role is mainly in criminal cases, where they form a decision-making panel together with a professional judge. Their presence is to ensure that decision-making is not exclusively professional, but also reflects the view of an ordinary citizen. Unlike professional judges, who go through a demanding selection procedure and systematic education, lay judges in the Czech Republic are not obliged to undergo any training. The Czech Judicial Academy, which is the main educational body for the judiciary, is dedicated exclusively to professionals – judges, prosecutors and trainees. Lay judges thus remain outside its educational activities. In practice, jurors are expected to make decisions based on "common sense". Their task is not to analyze legally, but to bring a civic perspective, life experience and intuition to decision-making. This approach has its advantages – it allows for a broader perspective in decision-making – but it also raises questions about the preparedness of jurors for complex legal situations.

5.4 Comparison of models of lay judges: Slovakia, Czech Republic, Austria, Sweden

The participation of lay judges – lay judges in Slovakia and the Czech Republic, Schöffs in Austria and Nämndemän in Sweden – represent various forms of civic participation in decision-making, which are an important element of democratic legitimacy in the judicial systems of several European countries. Despite the common basis – the involvement of citizens in the administration of justice – the individual models differ significantly in the degree of preparation, the scope of participation, efficiency and the cultural and institutional context. A comparison of the Slovak model with the Austrian, Swedish and Czech systems reveals four key areas of difference.

1/ Level of training and professional support

Sweden and Austria provide lay judges with systematic training, which includes an introduction to the legal system, decision-making ethics and practical aspects of the judicial process. In this way, their competence, self-confidence and ability to actively participate in decision-making are increased. On the contrary, Slovakia and the Czech Republic do not provide any mandatory training for jurors. The judicial academies in both countries are dedicated exclusively to professional judges, which leads to the formal performance of the function of lay judges and their dependence on the presiding judge.

2/ Scope and importance of participation

The Swedish model is the most inclusive – jurors participate in decision-making in criminal, civil and administrative cases. Their participation is systematic and anchored in the principle of broad civic participation. Austria applies participation selectively – lay judges only decide on serious criminal offences, thus maintaining a balance between professional decision-making and civil control. Slovakia and the Czech Republic limit the participation of jurors mainly to criminal cases, and their role is symbolic rather than decisive..

3/ Democratic legitimacy and effectiveness

The Swedish system achieves a high degree of democratic legitimacy, as jurors are elected by political parties and their participation is widespread. However, this model carries the risk of politicizing decision-making. Austria presents a balanced approach – participation is limited but

effective, without significant political influence. Although the Slovak and Czech models are based on democratic principles, in practice they do not significantly contribute to the legitimization of decision-making. Their effectiveness is questionable, as jurors often do not have sufficient competences to make independent decisions.

4/ Cultural and institutional context

Sweden sees participation as part of civic responsibility and trust in institutions. Austria emphasizes expertise and a balance between legal accuracy and civil control. The Czech Republic and Slovakia maintain the model of jurors as a remnant of democratization efforts from the past, but without its modernization or integration into the education and support system. The comparison shows that Sweden represents the most developed participatory model, Austria a balanced professional approach, while Slovakia and the Czech Republic remain in the traditional, but not very effective system. If the participation of jurors is to be truly meaningful, it is essential to strengthen their preparation, support and clearly define their role in the decision-making process. Only in this way can their participation be beneficial to the quality of decision-making and public trust in the judiciary.

6 The decision-making process of jurors in slovakia: the need for education as a tool to strengthen participation

The participation of lay judges – lay judges – in decision-making in criminal proceedings represents an important element of democratic legitimacy in the Slovak judicial system. This institute is based on the idea of wider civic participation in the administration of justice, while its aim is to enable the public to participate in decision-making on guilt and punishment. Jurors are supposed to bring an element of "common sense" and moral judgment of society to the process, which is supposed to strengthen public trust in the judiciary. The legal framework is defined by (Act No. 385/2000 Coll.) Coll. on Judges and Lay Judges and the Code of Criminal Procedure. Lay judges act as members of the panel in the district courts in cases where the law expressly provides for this. They have the same voting rights as professional judges, with the exception of the conduct of proceedings, which belong to the presiding judge. Their mandate is limited in time and they do not have an employment relationship with the court, but a special public law relationship. Despite the democratization intention of the legislator, in practice it turns out that the participation of jurors is often of a formal nature. As a professional article published on the ULPIANUS blog (2024) points out, jurors in most cases copy the opinion of the presiding judge, while the independent formulation of a legal or factual position is rather exceptional. This phenomenon can be attributed to the lack of legal erudition of jurors, as well as to the natural tendency to respect the authority of a professional judge. A serious aspect is also the procedural inefficiency, which is manifested especially when the composition of the panel changes. In the event of a repetition of the proceedings or the defendant's disagreement with the change of jurors, it is necessary to repeat the entire hearing under Section 277(5) of the Code of Criminal Procedure. This leads to the prolongation of criminal proceedings and may be contrary to the right to a hearing of the case without undue delay, guaranteed in Article 48 (2) of the Constitution of the Slovak Republic. Other practical problems relate to the material and organizational conditions for the performance of the office. Jurors often point to insufficient financial remuneration, time demands and the absence of methodological support, which reduces the attractiveness of this form of civic participation. In view of the above, the need for reform is increasingly being discussed in the professional community. Instead of questioning the institute of jurors itself, however, the introduction of systematic education seems to be a promising solution. The aim should be to strengthen the competences of jurors, increase their confidence in decision-making and create conditions for their active and meaningful participation in the administration of justice. Such an approach could contribute to the fulfilment of the original democratisation intention and at the same time increase the quality of decision-making without the need for a fundamental intervention in the legal framework.

7 Proposal for the education of jurors in court

1. Content of education:

- Basics of Criminal Law and Criminal Procedure

- Ethics of decision-making and the responsibility of a juror
- Psychology of decision-making and prejudice
- Work in the Senate – communication, voting, argumentation
- Case studies and simulated decision-making
- 2. Form of education:
 - Introductory training before taking up the position (min. 2 days)
 - Continuous education once a year (1 day)
 - Online module with comprehension test
 - Possibility of consultation with experts (e.g. judges, lawyers, psychologists)
- 3. Implementer:
 - The Judicial Academy of the Slovak Republic in cooperation with regional courts
- 4. Certification:

Confirmation of completion of training as a condition for the performance of the function

Draft legislation (*de lege ferenda*)

To add a new paragraph to (Act No. 385/2000 Coll.) Coll., e.g. § 5a: § 5a Training of jurors

(1) Lay judges shall be obliged to undergo professional training prior to the commencement of the performance of their duties and once a year thereafter.

(2) Professional training is provided by the Judicial Academy of the Slovak Republic.

(3) The scope, content and form of the training shall be determined by the Ministry of Justice of the Slovak Republic by means of a generally binding legal regulation.

(4) The costs of training shall be covered by the State.

The proposal is based on the current legislative process (LP/2025/40), which deals with the amendment of the Act on Judges and Lay Judges.

Conclusion

The institute of jurors in court represents one of the few direct bridges between the citizen and the exercise of judicial power. Its existence therefore has not only a legal, but also a political and social dimension – jurors are a symbol of public participation in justice and a guarantee that the judiciary remains anchored in democratic principles.

However, in order for this public participation not to lose its importance, it is necessary to strengthen the education system for jurors, who often do not have a legal education and come from diverse professional and generational backgrounds. Their education should be multi-level, systematic and linked to the values of public service:

1/ Basic legal and procedural minimum – introductory training focused on the principles of a fair trial, evidence proceedings, the importance of the presumption of innocence and the role of a juror in the senate.

2/Ethical and values training – deepening awareness of responsibility for decisions that affect people's lives, the importance of independence and impartiality.

3/Psychological preparation – aimed at preventing cognitive distortions (e.g. confirmation of prejudices, the effect of authority or group conformity) that can disrupt the objectivity of decision-making.

4/ Reflective and community phase – a space for the exchange of experiences between lay judges, experts and judges; joint discussions on ethical dilemmas and how decisions affect public trust in the judiciary.

Preparation set up in this way would overlap not only with the sphere of the judiciary, but also with public administration and democratic culture. A professionally trained juror is a bearer of civil responsibility and contributes to the transparency and legitimacy of the judiciary. From the point of view of political science, this is an important aspect of good governance – the quality of management of public institutions. If the administration of justice is to be perceived as fair, it must not only be formally independent, but also socially trustworthy. That is why a broader reform should include linking the judiciary with public control, while maintaining the professional integrity of decision-making.

Future research could focus on analysing the relationship between the level of education of jurors, the level of public trust in the judiciary and the willingness of citizens to participate in the administration of justice. Such a comparative perspective could enrich not only legal science, but also the theory of democratic legitimacy of the judiciary within public administration.

The education of lay judges is not a tool for their professionalization, but a mechanism for strengthening their civic competence and democratic participation in the administration of justice. In the context of the principles of good governance, it is essential that non-legal members of the Senate also have a basic orientation in legal and ethical issues of decision-making. Jurors are not a relic but a potential – their existence reminds us that justice should not be exclusively an expert domain, but also a social value in which citizens participate. However, the most responsible member of the panel remains the professional judge, who bears the ultimate responsibility for the legality of the decision.

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**TRIBUNA TÎNĂRULUI CERCETĂTOR
THE TRIBUNE OF YOUNG SCIENTISTS
ТРИБУНА МОЛОДЫХ УЧЕНЫХ**

**LA FRANCOPHONIE ET L'AGENDA FEMMES, PAIX ET SECURITE :
EXPERIENCES CROISEES DES PAYS DU PARTENARIAT ORIENTAL**

**LA FRANCOPHONIE AND THE WOMEN, PEACE AND SECURITY AGENDA:
SHARED EXPERIENCES OF EASTERN PARTNERSHIP COUNTRIES**

**FRANCOFONIA ȘI AGENDA "FEMEI, PACEA ȘI SECURITATEA": EXPERIENȚE
COMUNE ALE ȚĂRILOR PARTENERIATULUI ESTIC**

**ФРАНКОФОНИЯ И ПОВЕСТКА ДНЯ «ЖЕНЩИНЫ, МИР И БЕЗОПАСНОСТЬ»:
ОБЩИЙ ОПЫТ СТРАН ВОСТОЧНОГО ПАРТНЕРСТВА**

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ABSTRACT:

**LA FRANCOPHONIE AND THE WOMEN, PEACE AND SECURITY AGENDA: SHARED
EXPERIENCES OF EASTERN PARTNERSHIP COUNTRIES**

This article examines the contribution of the Francophonie to the implementation of the Women, Peace and Security Agenda in the Eastern Partnership countries. Using the cases of Moldova, Ukraine, Georgia and Armenia, it shows that, despite notable progress, the region remains hampered by patriarchal norms, limited funding and fragile institutions. However, the OIF appears to be a useful lever for disseminating international norms, strengthening the capacities of administrations and supporting the emergence of female leadership. The study concludes that the Francophonie can play a catalytic role in promoting more inclusive and sustainable security policies in Eastern Europe.

Keywords: Women's Agenda, Peace, Security, Resolution 1325, National Action Plan, Francophonie, Eastern Partnership

JEL Classification: F50; K33

Universal Decimal Classification: 341.29.009(100); 32.009(100); 061.2(100); 327.009; 339.9

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RESUME:

LA FRANCOPHONIE ET L'AGENDA FEMMES, PAIX ET SECURITE : EXPERIENCES CROISEES DES PAYS DU PARTENARIAT ORIENTAL

L'article examine la contribution de la Francophonie à la mise en œuvre de l'Agenda Femmes, Paix et Sécurité dans les pays du Partenariat oriental. À partir des cas de la Moldavie, de l'Ukraine, de la Géorgie et de l'Arménie, il montre que, malgré des avancées notables, la région reste freinée par des normes patriarcales, un financement limité et des institutions fragiles. L'OIF apparaît toutefois comme un levier utile pour diffuser les normes internationales, renforcer les capacités des administrations et soutenir l'émergence d'un leadership féminin. L'étude conclut que la Francophonie peut jouer un rôle catalyseur pour des politiques de sécurité plus inclusives et durables en Europe de l'Est.

Mots-clés : Agenda Femmes, Paix, Sécurité, Résolutions 1325, Plan d'actions national, Francophonie, Partenariat oriental

JEL Classification: F50; K33

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REZUMAT:

FRANCOFONIA ȘI AGENDA "FEMEI, PACEA ȘI SECURITATEA": EXPERIENȚE COMUNE ALE ȚĂRILOR PARTENERIATULUI ESTIC

Articolul examinează contribuția Francofoniei la punerea în aplicare a Agendei pentru femei, pace și securitate în țările Parteneriatului estic. Pe baza cazurilor Moldovei, Ucrainei, Georgiei și Armeniei, articolul arată că, în ciuda progreselor notabile, regiunea rămâne împiedicată de norme patriarhale, finanțare limitată și instituții fragile. Cu toate acestea, OIF pare a fi un instrument util pentru difuzarea normelor internaționale, consolidarea capacităților administrațiilor și sprijinirea apariției unui leadership feminin. Studiul concluzionează că Francofonia poate juca un rol de catalizator pentru politici de securitate mai incluzive și durabile în Europa de Est.

Cuvinte cheie: Agenda Femei, Pace, Securitate, Rezoluția 1325, Planul național de acțiune, Francofonia, Parteneriatul estic

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РЕЗЮМЕ:

ФРАНКОФОНИЯ И ПОВЕСТКА ДНЯ «ЖЕНЩИНЫ, МИР И БЕЗОПАСНОСТЬ»:
ОБЩИЙ ОПЫТ СТРАН ВОСТОЧНОГО ПАРТНЕРСТВА

В статье рассматривается вклад Франкофонии в реализацию повестки дня для женщин, мира и безопасности в странах Восточного партнерства. На основании дел Молдовы, Украины, Грузии и Армении статья показывает, что, несмотря на заметный прогресс, регион по-прежнему сдерживается патриархальными нормами, ограниченным финансированием и хрупкими институтами. Тем не менее, ОИФ, по-видимому, является полезным инструментом для распространения международных норм, наращивания потенциала администраций и поддержки появления женского лидерства. В исследовании делается вывод о том, что Франкофония может играть роль катализатора более инклюзивной и устойчивой политики безопасности в Восточной Европе.

Ключевые слова: повестка дня женщин, мир, Безопасность, резолюция 1325, национальный план действий, Франкофония, Восточное партнерство

JEL Classification: F50; K33

Introduction

À l'aube du XXI^e siècle, l'Agenda Femmes, Paix et Sécurité (FPS) est apparu comme un instrument essentiel pour repenser la sécurité internationale. La Résolution 1325 du Conseil de sécurité des Nations Unies¹², adoptée en 2000, a marqué un tournant : elle reconnaît que la participation des femmes aux processus de paix, leur protection face aux violences et l'intégration d'une perspective de genre dans les politiques de sécurité sont autant de facteurs déterminants pour la consolidation durable de la paix.³ Au fil des années, cet agenda a été complété par une série de résolutions (1820, 1888, 1889, 1960, 2106, 2122, 2242), qui étendent son champ à la lutte contre les violences sexuelles en période de conflit, au renforcement du leadership féminin et à l'appropriation locale des politiques de paix.

Pourtant, la mise en œuvre du FPS varie considérablement selon les régions. En Europe de l'Est, caractérisée par des transitions démocratiques lentes, des tensions territoriales persistantes et des fractures socio-économiques importantes, les obstacles sont nombreux. Les États post-soviétiques et en transition se heurtent à des défis institutionnels majeurs : manque de financement dédié, déficit de personnel formé à la dimension de genre, résistances culturelles et priorisation de la sécurité militaire sur la sécurité humaine. Dans ce contexte, la promotion d'une participation féminine accrue n'est pas seulement une exigence normative, mais un enjeu stratégique pour stabiliser les sociétés et prévenir les conflits à long terme.

C'est là que l'Organisation internationale de la Francophonie (OIF) peut jouer un rôle déterminant. Par ses réseaux, ses programmes de formation et son ancrage institutionnel, elle offre une plateforme unique pour soutenir la mise en œuvre du FPS. Grâce à des initiatives ciblées telles que des programmes de mentorat pour les femmes leaders, des formations spécialisées pour les fonctionnaires et diplomates, ainsi que des ateliers de sensibilisation à l'égalité de genre, l'OIF peut contribuer à renforcer l'autonomie des femmes dans les sphères décisionnelles locales et nationales. À l'exemple de certains pays francophones, des projets francophones ont permis l'intégration de femmes dans des conseils locaux de sécurité et dans des commissions consultatives sur la paix, ouvrant la voie à une participation plus structurée et visible.

L'étude du cas des pays du Partenariat oriental — Moldavie, Ukraine, Géorgie et Arménie — est particulièrement éclairante. Ces États, malgré leurs divergences historiques, politiques et économiques, partagent un défi commun : transformer l'Agenda FPS en actions concrètes, durables et adaptées à leurs contextes spécifiques. L'analyse croisée de leurs initiatives, obstacles et réussites permettra de mieux comprendre comment la Francophonie peut agir comme catalyseur de bonnes pratiques, tout en adaptant ses approches aux réalités locales.

Problématique : Dans quelle mesure la Francophonie contribue-t-elle à la mise en œuvre de l'Agenda FPS et au renforcement du leadership féminin dans les pays du Partenariat oriental ?

Hypothèse : Par ses réseaux institutionnels, ses programmes de formation et sa dimension culturelle, la Francophonie peut jouer un rôle actif dans le renforcement de la participation des femmes aux processus de paix et dans la consolidation d'une diplomatie inclusive, contribuant ainsi à la stabilisation et à la pacification des sociétés concernées.

La structure de cet article est articulée en deux parties : un cadre normatif et politique et une analyse comparée des pays du Partenariat oriental, mettant en lumière les expériences réussies et

¹ https://www.un.org/womenwatch/osagi/cdrom/documents/Background_Paper_Africa_fr.pdf, La Résolution 1325 du Conseil de sécurité de l'ONU sur les femmes, la paix et la sécurité Comprendre les implications, remplir les obligations Françoise Nduwimana

² <https://operation1325.se/en/operation-1325-the-whole-resolution/> - United Nations Security Council Resolution 1325 (2000) Women, Peace and Security 31 October 2000

³ <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2012/10/WPSourcebook-02A-TrackingImplementationUNSCR21325-fr.pdf> - Suivi de l'application de la résolution 1325 (2000) du Conseil de sécurité, page 3

les limites constatées, ainsi que des conclusions sous formes de recommandations centrées sur le leadership féminin et la prévention des conflits.

I. La Francophonie et l'Agenda Femmes, Paix et Sécurité : un cadre normatif et politique partagé

1.1 Le cadre international de l'Agenda FPS

L'Agenda Femmes, Paix et Sécurité (FPS) constitue désormais l'un des fondements essentiels de la gouvernance internationale en matière de prévention des conflits, de consolidation de la paix et de promotion de l'égalité entre les sexes. Son point de départ remonte au 31 octobre 2000, date à laquelle le Conseil de sécurité des Nations Unies adoptait la Résolution 1325, historique sur le plan normatif,¹ reconnaissant pour la première fois que les femmes jouent un rôle central dans la prévention des conflits, la médiation, les négociations de paix et la reconstruction post-conflit. Cette résolution a marqué un véritable tournant conceptuel : elle affirme que la sécurité durable ne peut être atteinte sans l'implication entière et effective des femmes, et que leur participation n'est pas un simple objectif symbolique, mais une condition stratégique pour la stabilité des sociétés.

La résolution 1325 structure l'action internationale autour de quatre piliers fondamentaux : participation, protection, prévention et relèvement/reconstruction post-conflit. Les résolutions ultérieures, telles que les numéros 1820, 1888, 2242 et 2493, sont venues enrichir ce cadre initial, en intégrant notamment la lutte contre les violences sexuelles en temps de guerre et la promotion du leadership féminin dans tous les aspects des processus de paix. Pour que ces normes internationales soient traduites en actions concrètes sur le terrain, les États sont encouragés à élaborer des Plans d'Action Nationaux (PAN), qui servent d'instruments stratégiques pour adapter les résolutions de l'ONU à leurs réalités nationales. Ces plans définissent des objectifs précis, des indicateurs de suivi, des responsabilités institutionnelles et des mécanismes d'évaluation, permettant ainsi une appropriation locale et un suivi effectif des engagements internationaux. Aujourd'hui, plus de cent États dans le monde disposent d'un PAN FPS, parmi lesquels les principaux pays du Partenariat oriental — Ukraine, Moldavie, Géorgie et Arménie — avec des niveaux d'avancement variés selon les contextes politiques et institutionnels.

Par ailleurs, l'architecture internationale de l'Agenda FPS repose sur un réseau institutionnel multilatéral étendu. L'ONU, par l'intermédiaire d'ONU Femmes et du Département des opérations de paix, fournit une assistance technique, conseille les États dans la formulation de leurs PAN et suit la mise en œuvre des engagements. Les organisations régionales, comme l'Union européenne, le Conseil de l'Europe ou l'OSCE, ont intégré les principes FPS dans leurs politiques et programmes, contribuant ainsi à renforcer la cohérence entre les standards internationaux et les initiatives régionales.

Dans ce contexte complexe, l'Organisation internationale de la Francophonie (OIF) occupe une position particulière. En s'appuyant sur une communauté linguistique et des valeurs partagées, elle offre un espace unique pour adapter et diffuser l'Agenda FPS. Depuis la Déclaration de Bamako (2000) et les textes ultérieurs consacrés à l'égalité entre les femmes et les hommes, l'OIF a progressivement inscrit l'Agenda FPS au cœur de sa diplomatie et de ses programmes de coopération. Elle agit comme un vecteur de diffusion normative, contribuant à relayer ces standards au sein des 90 États et gouvernements membres ou observateurs, y compris dans des contextes fragiles ou en transition. Pour les pays du Partenariat oriental, ce cadre constitue un levier stratégique pour moderniser les politiques de sécurité, intégrer les normes internationales et promouvoir le leadership féminin comme moteur de gouvernance inclusive et de consolidation de la paix.

1.2 Le rôle de la Francophonie dans la diffusion de l'Agenda FPS

La Francophonie a progressivement développé une approche multidimensionnelle pour soutenir la mise en œuvre de l'Agenda FPS : elle agit sur le plan politique et diplomatique, institutionnel et opérationnel, tout en tirant parti de sa dimension linguistique pour harmoniser les pratiques et renforcer l'appropriation locale.

¹ SAIGET Marie, "Repenser la paix et la sécurité : le multilatéralisme onusien face au genre." – Etudes internationales, Volume 55, numéro 1, printemps 2024, page 7

1. Promotion politique et diplomatique. L'OIF a fait de l'intégration du genre et du leadership féminin un axe central de sa diplomatie internationale. Dès la Déclaration de Bamako (2000), elle a affirmé son engagement à promouvoir la participation des femmes aux processus démocratiques et à la prévention des conflits. Par la suite, la Déclaration de Saint-Boniface (2006), la Stratégie pour l'égalité femmes-hommes, suite au Sommet d'Erévan (2018) et les résolutions adoptées lors des sommets de la Francophonie ont consolidé cette orientation stratégique, rappelant l'importance d'adopter des PAN FPS, de renforcer la représentation féminine dans les processus décisionnels et de lutter contre les violences sexuelles en situation de conflit.¹ Cette diplomatie normative offre un cadre de référence et incite les États à s'engager collectivement en faveur de standards internationaux reconnus.

2. Coopération institutionnelle et diffusion des bonnes pratiques. La Francophonie se distingue également par sa capacité à mettre en réseau les institutions nationales et régionales : ministères des Affaires étrangères, parlements, forces armées, écoles de gouvernance et centres de formation diplomatique. Cette coopération facilite l'échange de bonnes pratiques, l'harmonisation des approches et le partage de modèles éprouvés en matière de FPS. Elle permet aux États membres de bénéficier d'expertises techniques et de conseils adaptés à leurs besoins spécifiques.

3. Renforcement des capacités et soutien aux acteurs locaux. L'un des aspects les plus concrets de l'action francophone concerne le développement du leadership féminin, objectif central de l'Agenda FPS. L'OIF soutient la formation de femmes médiatrices, diplomates, officières ou analystes à travers des programmes de formation, des bourses d'études et des partenariats avec ONU Femmes, l'OSCE ou le Conseil de l'Europe. Dans les pays du Partenariat oriental, des initiatives de ce genre peuvent permettre aux organisations locales de structurer des réseaux de femmes actrices de la paix et de renforcer la mise en œuvre des PAN FPS, créant ainsi des expertises locales durables et adaptées aux contextes nationaux.

4. La dimension linguistique comme levier stratégique. Le français, utilisé comme langue de travail diplomatique au sein de la Francophonie, constitue un outil de circulation et d'harmonisation des connaissances. Il facilite la diffusion de documents, la standardisation des formations et la mutualisation des ressources pédagogiques. Cette homogénéité linguistique permet une appropriation plus efficace des normes FPS, en particulier dans les pays où le français est enseigné dans les universités, les académies militaires ou les écoles de diplomatie.

Ainsi, la Francophonie dépasse la simple promotion normative : elle constitue un acteur structurant, capable de combiner diplomatie, coopération technique et renforcement du leadership féminin pour créer un espace d'apprentissage et de dialogue, favorisant l'appropriation progressive des normes internationales liées à la paix et à la sécurité inclusives.

1.3 Convergence entre les politiques francophones et les priorités des pays du Partenariat oriental

Dans un contexte marqué par des évolutions géopolitiques rapides et par la multiplication des initiatives régionales, l'interaction entre le Partenariat oriental (PaO) et la Francophonie revêt un intérêt stratégique croissant. Si le PaO, lancé en 2009 par l'Union européenne, vise à renforcer l'intégration économique et politique de six pays voisins à l'est (Arménie, Azerbaïdjan, Biélorussie, Géorgie, Moldavie et Ukraine), la Francophonie se concentre sur la cohésion linguistique, culturelle et symbolique entre ses États membres, favorisant la diplomatie francophone et la coopération institutionnelle. Malgré leurs objectifs distincts, ces deux cadres présentent des points de convergence notables, notamment pour des États pivots comme la Moldavie et l'Arménie, membres simultanés de la Francophonie, ou la Géorgie et l'Ukraine, membres observateurs, tous les quatre étant bénéficiaires du PaO.

a) Convergence normative. Les principes promus par la Francophonie — démocratie, État de droit, égalité de genre, participation citoyenne — correspondent aux priorités des pays du Partenariat oriental engagés dans des réformes structurelles : modernisation administrative,

¹ https://www.francophonie.org/sites/default/files/2019-09/som_xvii_strategie_efh_2018.pdf, Stratégie de la Francophonie pour la promotion de l'égalité entre les femmes et les hommes, des droits et de l'autonomisation des femmes et des filles, XVIIIe Sommet de la Francophonie, Erévan (Arménie), 11-12 octobre 2018, page 6

renforcement judiciaire, lutte contre la corruption et amélioration de la représentation féminine dans la vie publique. L'adoption ou la révision des PAN FPS dans la région illustre cette convergence normative, comme en Moldavie et en Géorgie, où des mécanismes interministériels de coordination et des partenariats avec la société civile ont été instaurés.

b) Convergence opérationnelle. L'un des principaux apports francophones réside dans le partage d'expertise et le renforcement des capacités. Les réseaux francophones — écoles nationales d'administration, instituts de gouvernance, réseaux de diplomates et de femmes médiatrices — offrent des formations spécialisées en prévention des conflits, médiation, sécurité humaine et lutte contre les violences basées sur le genre. En Ukraine, des programmes francophones peuvent soutenir le leadership féminin dans la gestion civile de crise, tandis qu'en Arménie, les formations dans l'administration publique favorisent l'intégration de l'approche genre dans les politiques sécuritaires.

c) Convergence géopolitique. Face à des conflits actifs ou gelés (Transnistrie, Haut-Karabakh, Abkhazie, Ukraine), les priorités des États du Partenariat oriental rejoignent l'agenda francophone sur la prévention des conflits, la consolidation de la paix et la coopération régionale. La Francophonie promeut une approche de sécurité humaine, centrée sur la résilience des communautés, la protection des populations et la diplomatie préventive.

d) Convergence participative. La Francophonie insiste sur le rôle des femmes, de la société civile et des jeunes dans les processus de paix. Dans les pays du PaO, les initiatives francophones peuvent soutenir la participation féminine et le développement de compétences locales en matière de médiation, d'entrepreneuriat social, d'éducation civique et de médias communautaires. Ces actions complètent et renforcent les stratégies nationales FPS.

En résumé, la convergence entre les politiques francophones et les priorités des pays du Partenariat oriental s'exprime sur les plans **normatif, opérationnel, géopolitique et participatif**, créant un cadre de coopération solide. L'OIF se positionne comme catalyseur stratégique, capable de:

- Renforcer les capacités institutionnelles et le leadership féminin ;
- Harmoniser les PAN FPS avec les meilleures pratiques francophones ;
- Faciliter le partage d'expériences et la coopération régionale ;
- Promouvoir une approche durable, sensible au genre dans les processus de paix - sécurité.

Ainsi, l'Organisation internationale de la Francophonie peut contribuer directement à l'émergence de sociétés inclusives, résilientes et pacifiques dans l'Est de l'Europe.

II. Expériences croisées de mise en œuvre de l'Agenda FPS dans les pays du Partenariat oriental

L'Europe de l'Est constitue un espace d'observation privilégié pour analyser la mise en œuvre de l'Agenda Femmes, Paix et Sécurité (FPS) dans des contextes politiques et sociaux très diversifiés. Les États du Partenariat oriental — Moldavie, Ukraine, Géorgie et Arménie — se caractérisent par des héritages institutionnels distincts, des dynamiques géopolitiques complexes et des degrés d'engagement différenciés vis-à-vis des normes internationales. Dans ce cadre, la Francophonie émerge comme un acteur qui soutient la formation, favorise le dialogue régional et contribue à professionnaliser le rôle des femmes dans les domaines de la paix et de la sécurité.

2.1 Moldavie

La République de Moldavie est souvent citée comme un exemple avancé de mise en œuvre du FPS dans la région. Le pays adopte son premier Plan d'Action National (PAN) FPS en 2018, suivi d'un second en 2023 pour intégrer de nouvelles priorités, telles que la sécurité nationale, la lutte contre la désinformation, la gestion des déplacements internes et l'alignement sur les standards européens.

Positionnée entre l'Union européenne et la Russie, la Moldavie navigue depuis son indépendance en 1991 dans un environnement géopolitique instable. Elle poursuit la consolidation de ses institutions tout en affirmant clairement son orientation européenne. Ce processus s'accompagne de défis connus des États post-soviétiques : réformes administratives complexes,

modernisation du secteur public et maintien d'une stabilité politique durable, le tout aggravé par les répercussions du conflit ukrainien depuis 2014 et l'invasion de 2022.

Dans ce contexte, l'Agenda FPS dépasse le cadre d'un simple engagement international. Il constitue un levier de renforcement institutionnel, visant à intégrer la participation des femmes et des jeunes dans les instances décisionnelles, à promouvoir la dimension genre dans les politiques de sécurité et à renforcer la résilience sociale. La mise en œuvre de la Résolution 1325 n'est pleinement efficace qu'à travers une appropriation nationale cohérente et continue.

Le premier PAN couvrant 2018–2021 a été suivi par un deuxième pour 2023–2027, qui place désormais la Moldavie parmi les États les plus avancés du Partenariat oriental en matière de FPS.

La coordination générale relève du gouvernement, mais le PAN mobilise un large ensemble ministériel et des acteurs et institutions impliqués :

- **La société civile**, via ONG nationales, réseaux de femmes leaders et think-tanks spécialisés, avec des plateformes comme PISA ou le Groupe d'initiatives FPS jouant un rôle structurant ;

- **Les organisations internationales**, telles qu'ONU Femmes, qui accompagnent la formulation, le suivi et l'évaluation du PAN, ainsi que le financement par des mécanismes comme le Fonds des Femmes pour la Paix et l'aide humanitaire;

- **Les structures régionales et sectorielles**, notamment l'OSCE et des programmes européens ou bilatéraux liés à la sécurité et à la réforme institutionnelle.

Le deuxième PAN offre une feuille de route plus détaillée, couvrant la sécurité, la défense¹, la paix et la cohésion sociale, tout en s'appuyant sur la loi n°5/2006 sur l'égalité des chances et l'Accord d'association avec l'UE. Les progrès incluent : participation élargie de la société civile aux consultations et formations, organisation d'événements publics de haut niveau autour de l'Agenda FPS, lancement de programmes de formation pour les institutions de sécurité, communication renforcée sur le rôle des femmes dans la prévention des conflits.

Cependant, certaines limites persistent et notamment l'absence de financement national stable, dépendance forte aux partenaires étrangers, la coordination interinstitutionnelle inégale, avec un faible engagement des collectivités locales, la vulnérabilité face aux tensions régionales, à la désinformation et aux effets indirects de la guerre en Ukraine, la persistance de stéréotypes de genre,² notamment dans les secteurs militaires et sécuritaires.

L'organisation de la conférence internationale *Women4Security 2025* à Chișinău illustre l'engagement de la Moldavie et la volonté d'inscrire la dimension genre-sécurité dans les politiques publiques. Sa participation active au Réseau des Points focaux FPS renforce ses capacités d'échange, d'expertise et de consolidation des initiatives existantes.

2.2 Ukraine

L'Ukraine illustre l'effet catalyseur du conflit sur la mise en œuvre du FPS. Depuis le conflit dans l'Est en 2014 et l'invasion russe de 2022, le pays fait face à une crise humanitaire, sécuritaire et sociale majeure, mettant en lumière la vulnérabilité des femmes et leur rôle clé dans la résilience communautaire et la reconstruction post-conflit.

Le PAN FPS ukrainien a été révisé pour répondre à ces enjeux, avec trois axes principaux³ : **Participation féminine dans la diplomatie et le commandement militaire** : certaines unités de l'armée intègrent désormais des femmes officiers dans la planification stratégique, et des femmes diplomates suivent des programmes francophones de négociation multilatérale.

¹ https://mai.gov.md/sites/default/files/ONU/National%20Programme%201325_ENG.pdf, NATIONAL PROGRAMME for the implementation of the UN Security Council Resolution 1325 on Women, Peace and Security for 2023-2027, 23 mars 2023, page 7

² Mârzac Elena, Studiu "PERCEPȚIILE ȘI ATITUDINILE PRIVIND ROLUL FEMEILOR ÎN PROCESELE DE PACE ȘI SECURITATE ÎN REPUBLICA MOLDOVA", Chișinău, 2025, , page 13

³ <https://wpsfocalpointsnetwork.org/wp-content/uploads/2023/03/Updated-NAP-1325-until-2025-Edited-English-version.pdf>, ORDER OF THE CABINET OF MINISTERS OF UKRAINE No. 1544-r, dated 28 October 2020 Kyiv On the Approval of the National Action Plan for the Implementation of UN Security Council Resolution 1325 on Women, Peace, and Security for the period until 2025

1. **Protection des femmes déplacées et victimes de violences** : le PAN prévoit l'accès aux soins, au soutien psychosocial et à l'assistance juridique, avec l'appui d'ONG francophones offrant des services multilingues adaptés.

2. **Renforcement des ONG locales et coopération régionale¹** : le plan soutient le renforcement des capacités des organisations féminines et promeut la coopération avec la Moldavie et la Géorgie, incluant des ateliers francophones pour partager les bonnes pratiques et former au leadership féminin.

L'expérience ukrainienne montre que le conflit peut à la fois générer des vulnérabilités et accélérer la reconnaissance du rôle stratégique des femmes dans la paix et la sécurité. Pour pérenniser cette participation, un engagement politique constant, des ressources stables, des formations adaptées et une coopération régionale sont essentiels, domaines dans lesquels la Francophonie intervient activement.

2.3 Géorgie et Arménie

Géorgie : intégrer le FPS dans la défense et la sécurité

La Géorgie illustre comment un pays peut institutionnaliser le FPS tout en bénéficiant du soutien francophone pour renforcer le leadership féminin. Le PAN FPS 2022 - 2024² géorgien formalise l'intégration du genre dans la défense, la sécurité et la diplomatie. L'un des axes majeurs consiste à promouvoir la présence des femmes dans les postes de commandement militaire et dans les instances de négociation et médiation. Des programmes internes sensibilisent le personnel aux enjeux d'égalité et favorisent un environnement inclusif.

Malgré les progrès, des résistances culturelles et le besoin de financements stables persistent. Un deuxième PAN FPS n'a pas été élaboré, à ce jour. L'exemple géorgien montre qu'avec un cadre institutionnel solide et le soutien de la Francophonie, il est possible de renforcer durablement la participation des femmes et la dimension genre dans la sécurité et la défense.

Arménie : défis et perspectives

L'Arménie progresse plus lentement dans l'implémentation du FPS, en raison de ressources limitées et d'une culture patriarcale influente sur les perceptions des rôles féminins. Ainsi, le PAN FPS de l'Arménie a pris fin en 2024³, sans qu'un deuxième PAN soit élaboré. Les obstacles principaux identifiés suite au premier PAN :

- financement insuffisant et instable ;
- normes sociales et culturelles limitant l'accès des femmes aux postes décisionnels ;
- instabilité régionale, notamment avec l'Azerbaïdjan, qui réduit la priorité accordée au FPS.

L'expérience arménienne démontre que la mise en œuvre du FPS dépend à la fois des ressources et du contexte culturel. Avec un engagement durable, des formations adaptées et le soutien de la Francophonie, ces obstacles peuvent se transformer en opportunités pour promouvoir la participation des femmes dans la paix, la sécurité et la diplomatie.

2.4 Analyse comparative : obstacles et leviers

Cette analyse comparative met en lumière les principaux obstacles et leviers liés à la mise en œuvre de l'Agenda Femmes, Paix et Sécurité (FPS) dans les pays du Partenariat oriental. Parmi les difficultés récurrentes, on note le manque de financement stable, les facteurs culturels, ainsi que l'instabilité régionale. À l'inverse, le développement des compétences, le soutien apporté par les réseaux francophones et l'implication active des organisations de la société civile apparaissent comme des leviers essentiels pour renforcer la participation des femmes et l'intégration de la

¹ <https://www.unwomen.org/sites/default/files/2022-05/Rapid-Gender-Analysis-of-Ukraine-en.pdf>, RAPID GENDER ANALYSIS OF UKRAINE 4 MAY 2022, page 55

² https://eca.unwomen.org/sites/default/files/2023-07/fourth_nap_on_wps_georgia_for_2022-2024.pdf, 2022-2024 NATIONAL ACTION PLAN OF GEORGIA FOR IMPLEMENTATION OF THE UN SECURITY COUNCIL RESOLUTIONS ON WOMEN, PEACE AND SECURITY

³ https://wpsfocalpointsnetwork.org/wp-content/uploads/2022/10/2nd-NAP-on-WPS-Armenia_English-version.pdf, the Decision of the Government of the Republic of Armenia 2022 year N – I, ON APPROVAL OF THE SECOND NATIONAL ACTION PLAN OF THE REPUBLIC OF ARMENIA FOR 2022-2024 OF UNITED NATIONS SECURITY COUNCIL RESOLUTION 1325 ON WOMEN, PEACE AND SECURITY AND ITS IMPLEMENTATION SCHEDULE

dimension genre dans les politiques nationales, même dans des contextes où la progression est plus lente, comme en Arménie.

L'examen croisé des expériences de la Moldavie, de l'Ukraine, de la Géorgie et de l'Arménie révèle un ensemble d'enseignements utiles : ces États font face à des obstacles communs, mais disposent également de moyens d'action concrets pour promouvoir la protection et la participation des femmes dans les processus de paix et de sécurité. Ces conclusions sont stratégiquement importantes pour la Francophonie, qui joue un rôle croissant comme acteur normatif, catalyseur de capacités institutionnelles et réseau de coopération régionale.

Obstacles structurels et contextuels partagés -

a) Contraintes financières et institutionnelles - Dans l'ensemble des pays analysés, le principal frein à l'opérationnalisation des Plans d'Action Nationaux (PAN) FPS reste le budget limité.¹ Les ministères en charge disposent souvent de petites équipes spécialisées, dépendantes de financements externes (UE, ONU Femmes, Ambassades, partenariats bilatéraux). Cette situation fragilise la durabilité des actions, en particulier dans les zones rurales ou frontalières.

b) Normes patriarcales et résistances socioculturelles - Les quatre pays étudiés sont confrontés à des stéréotypes de genre persistants, influençant la représentation des femmes dans les forces armées, la police, la médiation ou la diplomatie. En Arménie, ces perceptions sont particulièrement marquées, limitant l'accès des femmes à des postes de leadership. En Géorgie et en Moldavie, les réformes avancent plus rapidement, mais des résistances culturelles demeurent, notamment dans les environnements militaires.

c) Instabilité régionale et pressions géopolitiques - La planification à long terme est compliquée par la présence de conflits actifs (Ukraine), gelés (Transnistrie) ou latents (Caucase). Les priorités sécuritaires classiques — défense du territoire et modernisation militaire — prennent souvent le pas sur les engagements FPS, même si, paradoxalement, les situations de conflit renforcent la visibilité du rôle des femmes dans la sécurité communautaire et la résilience.

d) Fragmentation des acteurs et coordination limitée - Les PAN FPS souffrent d'un manque d'articulation entre ministères, collectivités locales, ONG et forces de sécurité. La collecte de données désagrégées par sexe reste inégale, ce qui complique le suivi et l'évaluation des actions mises en œuvre.

Leviers de succès identifiés

a) Renforcement des capacités par la formation - Toutes les expériences montrent l'efficacité des formations ciblées : négociation, médiation, maintien de la paix, leadership, prévention des violences sexuelles liées aux conflits. Les partenaires francophones, notamment via l'OIF, ainsi que les écoles nationales d'administration et les institutions de paix francophones, jouent un rôle déterminant.

b) Mobilisation des ONG locales et régionales - La société civile féminine contribue activement au suivi des PAN FPS, à la sensibilisation et à la production de rapports alternatifs. En Moldavie et en Ukraine, les ONG francophones et partenaires internationaux peuvent permettre de documenter les lacunes, de créer des réseaux d'expertes et d'influencer les priorités gouvernementales.

c) Réseaux francophones comme vecteurs de convergence régionale - Les réseaux FPS francophones favorisent les échanges Sud-Sud et Est-Ouest, la mutualisation des outils de formation et la circulation des bonnes pratiques. Ils donnent accès à des normes, instruments et programmes de renforcement des capacités déjà institutionnalisés dans l'espace francophone.

d) Digitalisation et innovations pour le suivi - L'utilisation croissante de plateformes numériques, d'outils de suivi communautaire et de systèmes de collecte de données facilite le monitoring du PAN FPS, comme observé en Ukraine et en Géorgie.

3. Enseignements clés pour la Francophonie

¹ <https://www.international-alert.org/app/uploads/2021/08/Gender-UNSCR-1325-WPS-Agenda-20-Years-FR-2020.pdf>, DOCUMENT POLITIQUE : Octobre 2020 Vingt ans de mise en œuvre de la résolution 1325 du Conseil de sécurité et de l'agenda dédié aux femmes et à la paix et la sécurité : enseignements du terrain, page 7

Trois leçons ressortent de cette analyse pour orienter l'action de la Francophonie dans les pays du Partenariat oriental :

Favoriser une cohérence régionale accrue. Les défis partagés par ces pays créent un espace propice au déploiement de programmes régionaux francophones centrés sur le renforcement des capacités, la prévention des conflits, la lutte contre les violences de genre et le leadership féminin.

Soutenir la professionnalisation des mécanismes FPS. L'expérience montre que l'investissement le plus durable consiste à renforcer les capacités nationales — formation, expertise locale, autonomie financière des mécanismes institutionnels.

Encourager une coopération multipartite plus structurée. En facilitant les passerelles entre gouvernements, parlements, collectivités, universités, ONG et forces de sécurité, la Francophonie peut contribuer à combler des lacunes de coordination qui persistent malgré les progrès réalisés.

Conclusions

L'ensemble des observations menées à travers les pays du Partenariat oriental montre que l'espace francophone occupe une position singulière dans l'accompagnement de l'Agenda Femmes, Paix et Sécurité. Il met à disposition non seulement un cadre normatif partagé, mais également des ressources humaines, pédagogiques et diplomatiques capables de soutenir l'appropriation locale de cet agenda dans des États confrontés à des transitions politiques, des fragilités institutionnelles ou des tensions sécuritaires persistantes. Les mécanismes et instruments de la Francophonie, parce qu'ils s'appuient sur une tradition de coopération multilatérale, offrent un terrain favorable à la convergence des priorités nationales liées à la participation des femmes dans les processus de paix et à l'intégration du genre dans les politiques de sécurité.

Un premier atout réside dans la solidité de ses référentiels institutionnels, conçus pour favoriser l'harmonisation graduelle des pratiques et encourager les États membres à traduire leurs engagements internationaux dans des politiques nationales cohérentes. Cette architecture permet aux gouvernements d'Europe de l'Est de s'inscrire dans une dynamique collective, où les instruments onusiens trouvent un prolongement opérationnel au sein de programmes francophones adaptés aux spécificités régionales.

À cela s'ajoute l'importance des réseaux de formation et des dispositifs de renforcement des capacités, qui constituent probablement l'apport le plus tangible de la Francophonie dans ce domaine. Les formations qu'elle propose, qu'il s'agisse de diplomatie préventive, de gestion des crises, de leadership ou de médiation, contribuent à l'émergence de nouvelles générations de professionnelles capables d'agir au sein d'institutions politiques, sécuritaires ou communautaires. Dans plusieurs pays — la Moldavie ou la Géorgie en particulier — ces dispositifs peuvent permettre à des femmes de participer pour la première fois à des consultations, à des groupes de travail interministériels ou à la révision de plans d'action nationaux.

Un troisième élément déterminant est la capacité de la Francophonie à créer un espace neutre, préservé des tensions géopolitiques immédiates, dans lequel des institutions parfois réticentes à coopérer peuvent dialoguer, échanger et concevoir des stratégies communes. Ce rôle de facilitateur apparaît particulièrement précieux dans les contextes où les conflits ouverts ou gelés rendent difficiles les initiatives bilatérales, mais où les plateformes multilatérales peuvent servir de relais pour maintenir le contact et poursuivre l'élaboration de politiques concertées. L'expérience ukrainienne en fournit une illustration claire, avec des rencontres organisées sous l'égide d'acteurs francophones qui peuvent permettre de rassembler des représentants étatiques et des organisations féminines autour des questions de protection et de participation.

Malgré ces atouts, plusieurs défis demeurent. La pérennisation du financement constitue un obstacle quasi structurel dans l'ensemble des pays étudiés, tout comme l'appropriation locale des outils FPS, qui dépend encore trop souvent d'initiatives individuelles ou de projets limités dans le temps. La question du suivi des indicateurs, souvent entravée par le manque de données fiables ou de mécanismes d'évaluation harmonisés, reste également un point de fragilité. La réussite des actions francophones dépendra donc de la capacité des États à renforcer leurs mécanismes nationaux FPS, à investir dans la production de données et à inscrire ces politiques dans des stratégies de long terme.

Au terme de cette analyse, une conclusion s'impose : la Francophonie dispose d'un potentiel considérable pour devenir un acteur moteur d'une diplomatie inclusive dans l'Europe de l'Est. En articulant ses outils institutionnels, ses réseaux d'expertise et sa vision d'une coopération fondée sur le dialogue, elle est en mesure de soutenir le leadership féminin, de renforcer les capacités des institutions publiques et de favoriser la résilience dans des environnements fragiles. Si les recommandations formulées dans cette étude sont mises en œuvre — qu'il s'agisse du soutien accru aux mécanismes nationaux, du développement de plateformes régionales ou de l'investissement dans les compétences locales — la Francophonie pourrait non seulement renforcer l'action des pays concernés, mais également élaborer un modèle exportable vers d'autres régions de son espace.

A l'image des PAN régionaux de la CEDEAO ou de l'Asie centrale, la Francophonie pourrait appuyer et entamer une démarche d'un PAN régional propre au pays du Partenariat oriental. De même, la Francophonie peut servir de plateforme de partage d'expérience, à l'image du réseau des point focaux, reliant les pays du PaO avec des pays d'autres régions francophones.

Ainsi, l'Europe de l'Est apparaît comme un véritable laboratoire où se dessine progressivement une diplomatie plus attentive au genre, fondée sur la coopération, la formation et l'innovation institutionnelle. Dans ce processus, la Francophonie n'est pas un acteur périphérique, mais bien un catalyseur capable d'impulser des dynamiques nouvelles et d'accompagner durablement la diffusion des principes portés par l'Agenda Femmes, Paix et Sécurité.

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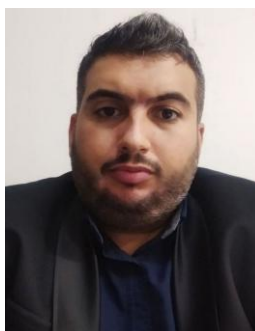
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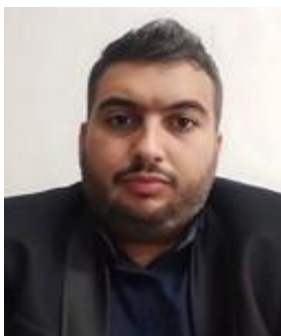
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Referință primară	Jeffrey Mankoff. Politicii externe Ruse: întoarcerea unei Mari Puteri în politică. Lanham, Md.: Rowman & Littlefield, 2009, p. 217.
Referință repetată	Ibid., p. 47 sau Ibidem., p. 47.

La amenajarea nesecvențială a referințelor (citatelor) primare și repetate, când referințele urmează nu concomitent una după alta, se utilizează termenul *Op. cit.* (opus citato) și este prezentat folosind caractere cursive:

Referință primară	Jeffrey Mankoff. Politicii externe Ruse: întoarcerea unei Mari Puteri în politică. Lanham, Md.: Rowman & Littlefield, 2009, p. 217.
Referință repetată	Jeffrey Mankoff. <i>Op. cit.</i> , p. 65.

Anexa 2**Exemple de „Listă bibliografică” (bibliografie):**

Lista bibliografică este plasată după textul articolului cu titulatura „Bibliografie”. Toate link-urile din listă sunt numerotate secvențial și sunt aranjate în ordine alfabetică.

Descrierea unei cărți cu un singur autor:

Exemplu	Jeffrey Mankoff. Politicii externe Ruse: întoarcerea de mare putere politica. Lanham, Md.: Rowman & Littlefield, 2009. XII + 359 p.
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Descrierea unei cărți cu trei sau mai mulți autori:

Exemplu	David G. Victor... [et al.]. Gaze naturale și geopolitică: din 1970 până în 2040. New York: Cambridge University Press, 2006. xxv + 508 p.
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Exemplu	Sergei Lavrov. Rusia și lumea în secolul XXI. În: Rusia în afacerile globale. Iulie-septembrie 2008, Vol. 6, nr. 3, p. 8 - 18.
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Exemplu	Vladislav Boiko. Securitatea energetică în contextul globalizării. Teză de doctor în științe politice. Moscova, 2012. 250 p.
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Descrierea unui autoreferat a tezei de doctorat:

Exemplu	Yuri Jukov. Centrismul politic în Rusia. Autoreferatul tezei... candidat în științe politice. Sankt-Petersburg, 2012. 24 p.
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Descrierea publicațiilor științifice electronice:

Pentru surse de electronice, trebuie să specificați practic aceleași informații ca pentru reviste: autorul, titlul, numele site-ului (sau secțiune a site-ului) și URL-ul. Articolul ar trebui să conțină noțiunea [Online]; informații la data de partajare pe rețeaua electronică (după fraza „Vizitat la:” indica data, luna și anul): (Vizitat la: 03.02.2012).

Exemplu	Burian Alexandru, Gurin Corina. Procesul decizional în politica externă și influența lui asupra negocierilor. În: Revista Moldovenească de Drept Internațional și Relații Internaționale. 2011, nr. 4, p. 39 - 55. [Online]: http://www.rmdiri.md/pdf/RMDIRI20114.p.df/ . (Vizitat la: 07.09.2012).
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REGULAMENTUL
cu privire la recenzarea articolelor științifice în
„Revista Moldovenească de Drept Internațional și Relații Internaționale”

1. Articole științifice primite de redacția *Revistei Moldovenești de Drept Internațional și Relații Internaționale* trec prin Instituția de recenzare.

„Revista Moldovenească de Drept Internațional și Relații Internaționale” a adoptat un sistem de patru niveluri de recenzare a articolelor și materialelor prezentate spre publicare:

Primul nivel – recenzarea de către Redactorul-șef (*main editor peer review*);

Al doilea nivel - recenzie de „nivel deschis” (*open peer review* - autorul și recenzentul se cunosc reciproc) – recenzia este transmisă la redacție de către autor;

Al treilea nivel - recenzie de nivel „orb-unilateral” (*single-blind* – recenzentul știe despre autor, autorul - nu);

Al patrulea nivel - recenzie de nivel „orb-dublu” (*double-blind* - atât recenzentul, cât și autorul, nu știu unul despre altul).

2. Fiecare articol științific necesită să aibă recenzii:

- deschise: *primul nivel* – recenzia (decizia) redactorului-șef; *al doilea nivel* - recenzia unui recenzent oficial, specialist în domeniu (doctor sau doctor habilitat);

- confidențiale (oarbe): *al treilea nivel* – recenzia redactorului științific sau a unui membru al consiliului redacțional sau al colegiului de redacție; *al patrulea nivel* – la decizia consiliului redacțional și recenzentul poate fi doar din exterior.

3. Toate articolele științifice, primite de Consiliul redacțional al revistei, sunt supuse obligatoriu recenzării „orb-dublu” (*double-blind* - atât recenzentul, cât și autorul, nu știu unul despre altul). Această recenzare este efectuată de către experți externi din baza de date de experți (recenzori) ai revistei, la solicitarea Consiliului redacțional.

4. Analizând recenziile, redacția evaluează prezența în articole a elementelor de actualitate a problemei științifice pe care autorul pretinde să o soluționeze. Recenzia necesită să descrie în mod clar valoarea teoretică sau aplicativă a investigației, și să coreleze constatările autorului cu conceptele științifice existente. Un element de bază al recenziei ar trebui să fie aprecierea de către recenzent a contribuției personale a autorului articolului la soluționarea problemei. Este necesar de a menționa în recenzie corespunderea stilului, logicii și nivelului de accesibilitate a expunerii științifice a materialului de către autor, precum și un aviz privind fiabilitatea și valabilitatea concluziilor.

5. După primirea recenziilor, redacția analizează articolele prezentate și adoptă decizia finală, în baza unei evaluări complete, privitor la publicarea sau ne-publicarea articolelor. În baza deciziei adoptate autorului i se comunică, prin e-mail sau poștă, informația cu privire la evaluarea articolului și decizia adoptată. În cazul că se refuză de a publica articolul, recenzentii rămân anonimi.

6. Colegiul de redacție își rezervă dreptul de a trimite articolul la o recenzie suplimentară externă anonimă (*double-blind*). Redactor-șef, în asemenea caz, trimite recenzentului o scrisoare în care solicită recenzarea, atașând la scrisoare articolul și modelul conform căruia se recomandă de a efectua recenzia.

7. Prezența recenziilor pozitive nu este un motiv suficient pentru publicarea articolului. Decizia finală privitor la publicarea articolului este adoptată de consiliul redacțional.

8. În cazul în care există o critică substanțială din partea recenzentului, însă articolul, la general, este evaluat pozitiv, consiliul redacțional poate aprecia articolul ca polemic și poate decide de a-l publica în rubrica „Tribuna discuțională”.

9. Originalele recenziilor sunt păstrate la „Revista Moldovenească de Drept Internațional și Relații Internaționale”.

**RUBRICA REVISTEI
OUR JOURNAL
О НАШЕМ ЖУРНАЛЕ**

**REQUIREMENTS
to papers for publication in the
„Moldavian Journal of International Law and International Relations”**

„Moldavian Journal of International Law and International Relations” being a scientifico-theoretical journal admits for publication articles in Moldovan (Romanian), Russian, English, Spanish, French, German (optional author) languages, containing the results of original research, designed in accordance with the „Requirements for the articles”.

An Editorial Board of the „Moldavian Journal of International Law and International Relations”, accept manuscript for publication corresponding to the edition profiles, no more than 20 pages, including figures and tables. The manuscript should contain only original material, performed at a high academic level, reflecting the author's research results, completed no more than one year before publication, and containing a clear element of creation of a new knowledge. The materials which earlier were not published and have been not intended to the simultaneous publication in other editions for printing are accepted. Articles are exposed to obligatory reviewing, in accordance with the **Appendix 3**. For post-graduate students (competitors) the review of the supervisor of studies is obligatory. We print only articles which have received only positive reviews.

The rules mentioned above apply to all the material sent to the journal for publication. The Editorial Board has the right not to accept materials to the publication in a case of: a) non-compliance of the paper with the requirements for its publication; b) plagiarism; c) inappropriate content of the presented paper to the journal profiles.

In cases when the requirements are not respected the editorial board has the right not to examine the manuscript. The editors reserve the right to reduce the volume of the article (if it is necessary), exposing it to editorial revision, make editorial (which do not change the general sense) changes in the author's original. Editors can publish materials without sharing author's opinion (in order of discussion). Authors are responsible for the selection and accuracy of the facts, quotes, and other information. Journal will only publish one article per author in each volume of the issue.

The number of authors should not be more than two people. Author (s) sent to the editor two copies of the article (signed by the author both in print and electronic form and send the article in electronic form by e-mail at: alexandruburian@yahoo.com , alexandruburian@mail.ru

The paper shouldn't exceed 1,5 printer's sheet of the typewritten text of format A4 (60 thousand characters, or 16-20 pages of text), including tables, list of references and drawings (schemes). At drafting of bibliographic references in English it is necessary to specify official English-speaking names of journals.

In order to place an article in the journal you should present following documents: an application, information about the author (s), an article, one author (s) photograph in JPG form, annotation provided (abstract) in three languages (Romanian, Russian and English) in a volume of 100 words, Keywords (5 - 7 words). Abstract should not contain references to the quoted literature, tables and figures.

Information about the author (s) contains: author's name, affiliation, post a scientific degree, an academic status, mailing address, e-mail address and telephone number Author's name should be listed under the article's title on the right.

Technical requirements to registration of the manuscript for the publication:

Title of the article should not exceed three lines. The title should be given only in capital letters (Times New Roman 16) and centred. Literary sources used in the paper should be submitted in one list at the end (bibliography). Bibliographical list is presented after the text item in accordance *RMDIRI*, 2026, Nr. 1 (Vol. 21), ISSN 1857-1999 E-ISSN 2345-1963 <https://rmdiri.md/>

with the **Appendix 2**. Footnotes to the literature mentioned in the text are mandatory and must be prepared in the bottom of the page in accordance with the **Appendix 1**. References to the foreign sources are given in a foreign language and are followed in the case of translation into Romanian and Russian indication of the translation. The numbering of the sources is given in the order mentioned in the text. References to unpublished works are not permitted. The bibliography is given in alphabetic order according to the first letter of authors surnames. Acronyms and abbreviations should be deciphered in a place of the first mention in the text. In text presented in Romanian, English, French, German or Spanish language, German inverted commas („pads”) should be used; in text presented in Russian language the French inverted commas («fur-trees») are used.

Page Setup:

The document must be saved in MS Word, A 4 page format, page margins: top and bottom - 2 cm, right - 1.5 cm, left - 3 cm Font - Times New Roman; font size - 12, line spacing - 1,5. Alignment on width, a space at the left - 1,5. Numbering of pages is through, in the bottom of the page, on the centre.

Text drafting:

Using of manual transfer (manual hyphenation) is unacceptable. Figures and tables should have a caption and subject headings and should be presented in the text after the paragraph containing a link to them.

Author's copies:

Each author obtains only one issue of the journal, regardless of the number of authors.

The Editorial Board

Appendix 1

Example of bibliographic footnotes:

Punctuation and prescribed punctuation in citations should follow the same rules as their placement in the bibliographic description.

If the text is not cited by the original source, but by another document, then following words are used: in the beginning of the reference: *Quoted by*, with a reference to the citing sources of borrowed text:

Example:	Quoted by: Ernst Gabriel Frankel. Oil and Security A World Beyond Petroleum. The Netherlands: Springer, 2007, p. 115.
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«Ibid.» or (Ibidem) are used in the sequential arrangement of primary and repeated references.

<i>Primary</i>	Jeffrey Mankoff. Russian foreign policy: the return of great power politics. Lanham, Md.: Rowman & Littlefield, 2009, p. 21.
<i>Repeated</i>	Ibid., p. 47.

Op. cit. (opus citato) is used in repeated footnotes containing item to the same document without following the primary reference and is presented using italics.

<i>Primary</i>	Jeffrey Mankoff. Russian foreign policy: the return of great power politics. Lanham, Md.: Rowman & Littlefield, 2009, p. 217.
<i>Repeated</i>	Jeffrey Mankoff. <i>Op. cit.</i> , p. 65.

Examples of a bibliography:

Bibliographical list is placed after the text article and is supplied after the notion „Bibliography”. All links in the list are numbered sequentially and are arranged in alphabetical order.

Book with one author:

Example	Jeffrey Mankoff. Russian foreign policy: the return of great power politics. Lanham, Md.: Rowman & Littlefield, 2009. xii + 359 p.
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Book with three and more authors:

Example	David G. Victor ... [et al.]. Natural gas and geopolitics: from 1970 to 2040. Cambridge; New York: Cambridge University Press Cambridge University Press, 2006. xxv + 508 p.
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The paper from the journal:

Article from a journal should contain following description - author (s), article title, journal name, year, and page number of the beginning and of the end of the article.

Example	Sergei Lavrov. Russia and the World in the 21 st Century. In: Russia in global affairs. July-September 2008, Vol. 6, nr. 3, p. 8 – 18.
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Dissertation

Example	Vladislav Boiko. Energy security in the context of globalization. Political Science Dissertation. Moscow, 2012. 250 p.
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A dissertation synopsis:

Example	Yuri Jukov E.H. Political centrism in Russia. Dissertation synopsis ... candidate in political science. Saint Petersburg, 2012. 24 p.
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Description of the electronic scientific publications:

For electronic sources, you need to specify practically the same information as for journals: author, title, name of the site (or section of the website) and the URL. The item should contain the notion [Online];; information on the date of the electronic network share (after „Visited on:” indicate the date, month and year): (Visited on: 03.02.2012) is used in referring to the e-resource e-mail address.

Example	Chietigi Bajpae. China’s Quest for Energy Security. In: Power and Interest News Report. February 25, 2005. [Online]: http://www.pinnr.com/ . (Visited on: 07.09.2011).
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PROVISION
about the reviewing of scientific articles in
„Moldavian Journal of International Law and International Relations”

1. Scientific papers received to the Editorial office of „Moldavian Journal of International Law and International Relations”, pass through peer review process.

„Moldavian Journal of International Law and International Relations” comprises a four-level system of peer review articles:

1st level – reviewing by the editor (main editor peer review);

2nd level – an open peer review (the author and the reviewer know each other) – a review is submitted to the editor by the author;

3rd level - one-sided i.e. „blind” peer review (single-blind - the reviewer knows the author, but the author - doesn't know the reviewer);

4th level – double-blind peer review (neither reviewer nor author know about each other).

2. Each scientific article must be accompanied by a review:

– Open: 1st level – a review (conclusion) of the editor; 2nd level – a review of official reviewer, specialist of appropriate scientific profile (doctorate or PhD);

– Closed (blind): 3rd level – a review done by a scientific editor or a member of the editorial board; 4th level - a review done by the decision of the editorial board and only external.

3. All scientific articles, received by the Editorial Board of our journal are subject to mandatory review by bilateral double-blind („double-blind” - the reviewer does not know who the author of the article is, the author does not know who the reviewer is). This review is carried out by external experts from the expert database of experts (reviewers), at the request of the Editorial Board.

4. An editorial board, making the evaluation of reviews, draws attention to the relevance of the scientific problem to be solved by the author. The Review should clearly describe the theoretical or applied significance of the study; correlate the author's conclusions to existing scientific concepts. An essential element of the review should be the assessment a personal contribution to the solution of the issue by the reviewer. Correspondence to the style, logics and the availability of the narration to the scientific nature of the material and obtaining of the conclusions about the reliability and validity of the findings – are key aspects that must be noted in the review.

5. The issue about the received articles is considered after the obtaining of reviews, and then the final decision, based on the evaluation of reviews about the publication or refusal to publish articles, is made. On the basis of the decision the author (s) is sent a letter by e-mail or mail, which provides a general assessment of the article and the decision. In the case of failure in the publication, the reviewers remain anonymous.

6. The Editorial Board has the right to direct the article for additional external anonymous peer review. Editor in Chief directs the reviewer a letter asking for peer review. The letter includes an article and a recommended form of review.

7. The presence of positive reviews is not sufficient grounds for the publication of the article. The final decision on advisability of publication is taken by the editorial board.

8. In cases when the article is composed by a significant proportion of criticisms that have been made by the reviewer, as well as the overall positive recommendation, the Editorial Board can attribute the material to the category of polemical material and print it in the manner of scientific debate.

9. The Review originals are stored in „Moldavian Journal of International Law and International Relations”.

**RUBRICA REVISTEI
OUR JOURNAL
О НАШЕМ ЖУРНАЛЕ**

**ТРЕБОВАНИЯ
к оформлению статей для публикации в
«Молдавском журнале международного права и международных отношений»**

Научно-теоретический журнал «Молдавский журнал Международного права и международных отношений» принимает к публикации статьи на молдавском (румынском), русском, английском, испанском, французском, немецком (по выбору автора) языках, содержащие результаты оригинальных исследований, оформленные в соответствии с «Требованиями к оформлению статей».

Редакция «Молдавского журнала международного права и международных отношений» принимает к публикации рукописи, соответствующие профилям издания, не более 20 страниц, включая рисунки и таблицы. Рукопись должна содержать только оригинальный материал, выполненный на высоком научном уровне, отражая результаты исследований автора, завершённых не более чем за год до публикации и содержать очевидный элемент создания нового знания. К печати принимаются материалы, ранее не издававшиеся и не предназначенные к одновременной публикации в других изданиях. Статьи подвергаются обязательному рецензированию, в соответствии с *Приложением 3*. Для аспирантов (соискателей) обязательна рецензия научного руководителя. Печатаются только статьи, получившие положительные рецензии. Гонорар за публикации не выплачивается.

Настоящие правила распространяются на все материалы, направляемые в редакцию журнала для публикации. Редакция вправе не принять материал к публикации в случае: а) несоблюдения автором правил оформления рукописи; б) выявления элементов плагиата; в) несоответствия материала тематике журнала.

В случае несоблюдения настоящих требований редакционная коллегия вправе не рассматривать рукопись. Редакция оставляет за собой право при необходимости сокращать статьи, подвергая их редакционной правке, вносить редакционные (не меняющие общего смысла) изменения в авторский оригинал. Редакция может опубликовать материалы, не разделяя точку зрения автора (в порядке обсуждения). Авторы несут ответственность за подбор и достоверность приведенных фактов, цитат и прочих сведений. В одном номере журнала может быть опубликована только одна статья одного автора.

Число авторов статьи не должно быть более двух человек. Автор (ы) присылают в редакцию 2 экземпляра статьи (подписанные автором) в печатном виде и направляют статью в электронном виде по электронной почте по адресу: alexandruburian@yahoo.com , alexandruburian@mail.ru

Объем статьи не должен превышать 1,5 п. л. машинописного текста формата А4 (60 тыс. знаков, или 16-20 страниц текста), включая таблицы, список литературы и рисунки (схемы). При оформлении библиографических ссылок на английском языке необходимо указывать официальные англоязычные названия журналов.

Для размещения статьи в журнале необходимо предоставить в редакцию заявку, информацию об авторе (ах), статью, фотографию автора (ов) в формате JPG, аннотацию (резюме), представленную на трех языках (румынском, русском, английском) объемом – до 100 слов, ключевые слова (5-7 слов). Аннотация не должна содержать ссылок на цитируемую литературу, рисунки, таблицы.

Информация об авторе (ах) содержит: ФИО авторов, место работы, должность, ученую степень, ученое звание, почтовый адрес, электронный адрес и контактный телефон. ФИО автора должно быть указано под названием статьи справа.

Технические требования к оформлению рукописи для публикации:

Название статьи не должно превышать трех строк. Название должно даваться только заглавными буквами (Times New Roman 16) и располагаться по центру. Литературные источники, использованные в статье, должны быть представлены общим списком в ее конце (Библиография). Библиографический список приводится после текста статьи в соответствии с *Приложением 2*. Сноски на упомянутую литературу в тексте обязательны и должны быть оформлены внизу страницы в соответствии с *Приложением 1*. Ссылки на иностранные источники даются на иностранном языке и сопровождаются в случае перевода на румынский и русский язык указанием на перевод. Нумерация источников идет в последовательности упоминания в тексте. Ссылки на неопубликованные работы не допускаются. Список литературы (библиография) дается в алфавитном порядке по фамилиям первых авторов. Сокращения и аббревиатуры должны расшифровываться по месту первого упоминания в тексте статьи. В тексте на румынском, английском, французском, испанском языке используется немецкие кавычки („лапки”), в тексте на русском языке используются французские кавычки («ёлочки»).

Параметры страницы:

Документ должен быть сохранён в формате MS Word. Формат страницы А 4; поля страницы: верхнее и нижнее – 2 см, правое — 1,5 см, левое — 3 см. Шрифт - Times New Roman; кегль — 12; межстрочный интервал — 1,5. Выравнивание по ширине, отступ слева — 1,5. Нумерация страниц — сквозная, внизу страницы, по центру.

Оформление текста:

Использование ручных переносов (manual hyphenation) неприемлемо. Рисунки и таблицы должны иметь нумерационный и тематический заголовки и должны быть представлены в тексте после абзацев, содержащих ссылку на них.

Авторские экземпляры:

Каждому автору полагается один авторский экземпляр номера журнала вне зависимости от количества авторов статьи.

Редакционный совет

Приложение 1

Пример оформления библиографических сносок:

В библиографических сносках расстановка знаков препинания и предписанной пунктуации должна подчиняться тем же правилам, что и расстановка их в библиографическом описании.

Если текст цитируется не по первоисточнику, а по другому документу, то в начале ссылки приводят слова: Цит. по: (цитируется по), Приводится по: , с указанием источника заимствования:

Пример оформления:	Цит. по: Крупянко М.И., Арешидзе Л.Г. США и Восточная Азия. Борьба за «новый порядок». М.: Международные отношения, 2010, с. 325.
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При последовательном расположении первичной и повторной ссылок используют слова «Там же» или «Ibid.» (ibidem) для документов на языках, применяющих латинскую графику:

<i>Первичная</i>	Гаджиев К.С. Геополитика. Учебник для бакалавров. М.: Издательство Юрайт, 2012, с. 27.
<i>Повторная</i>	Там же, с. 47. или Ibid., p. 47.

В повторных сносках, содержащих запись на один и тот же документ, не следующих за первичной ссылкой, приводят заголовок, а основное заглавие и следующие за ним повторяющиеся элементы заменяют словами «Указ. соч.» (указанное сочинение), «Цит. соч.» (цитируемое сочинение), «Op. cit.» (opus citato):

Первичная	Жинкина Ю.В. Стратегия безопасности России: проблемы формирования понятийного аппарата. М.: Российский научный фонд, 1995, с. 87.
Повторная	Жинкина Ю.В. Указ. соч., с. 67. или Жинкина Ю.В. Op. cit., p. 65.

Приложение 2

Примеры оформления списка библиографии:

Библиографический список приводится после текста статьи и следует после слова «Библиография». Все ссылки в списке последовательно нумеруются и располагаются в алфавитном порядке.

Описание книги одного автора:

Пример оформления	Гаджиев К.С. Геополитика. Учебник для бакалавров. М.: Издательство Юрайт, 2012. 479 с.
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Описание книги четырех и более авторов:

Пример оформления	David G. Victor ... [et al.]. Natural gas and geopolitics: from 1970 to 2040. Cambridge; New York: Cambridge University Press Cambridge University Press, 2006. xxv + 508 p.
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Описание статьи из журнала:

Для статьи из журнала нужно указать автора (ов) статьи, название статьи, название журнала, год, номер выпуска и страницы начала и окончания статьи.

Пример оформления	Конобеев В.Н. Геостратегия США в Евразии. В: Проблемы управления. 2008, №1 (26), с. 87 – 97.
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Описание диссертаций

Пример оформления	Ганюхина Т.Г. Модификация свойств ПВХ в процессе синтеза: дис. ... канд. хим. наук: 02.00.06. Н. Новгород, 1999. 109 с.
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Описание авторефератов диссертаций:

Пример оформления	Жуков Е.Н. Политический центризм в России: автореф. дис. ... канд. филос. наук. М., 2000. 24 с.
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Описание электронных научных изданий:

Для электронных источников нужно указать практически те же данные, что и для журналов: автор, название статьи, название сайта (или раздела сайта) и адрес URL. В записи обязательно должен присутствовать текст [Online];, при ссылке на электронный ресурс после электронного адреса в круглых скобках приводят сведения о дате обращения к электронному сетевому ресурсу (после слов «дата обращения» указывают число, месяц и год): (Дата посещения: 02.03.2012)

Пример оформления	Китай встает на «правильную сторону истории» в Персидском заливе. В: Мировая политика и ресурсы. [Online]: http://www.wpr.ru/?p=2591 . (Дата посещения: 07.01.2012).
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ПОЛОЖЕНИЕ

о рецензировании научных статей в журнале

«Молдавский журнал международного права и международных отношений»

1. Научные статьи, поступившие в редакцию журнала «Молдавский журнал международного права и международных отношений», проходят через институт рецензирования.

В журнале «Молдавский журнал международного права и международных отношений» принята четырехуровневая система рецензирования статей:

1^й уровень — рецензирование главным редактором (main editor peer review);

2^й уровень — открытое рецензирование (open peer review — автор и рецензент знают друг о друге) - рецензия, представленная в редакцию автором;

3^й уровень — одностороннее «слепое» рецензирование (single-blind — рецензент знает об авторе, автор — нет);

4^й уровень — двухстороннее «слепое» рецензирование (double-blind — оба не знают друг о друге).

2. Каждая научная статья должна иметь рецензии:

– открытые: 1^й уровень — рецензия (заключение) главного редактора; 2^й уровень официального рецензента — специалиста соответствующего научного профиля (доктора или кандидата наук);

– закрытые (слепые): 3^й уровень — научным редактором или одним из членов редколлегии; 4^й уровень — по решению редколлегии и только внешнее.

3. Все научные статьи, поступившие в редакцию нашего журнала, подлежат обязательному двустороннему слепому рецензированию (double-blind — рецензент не знает, кто автор статьи, автор статьи не знает, кто рецензент). Это рецензирование производится сторонними специалистами из базы экспертов-специалистов (рецензентов), по поручению редакции.

4. Редколлегия при оценке рецензий обращает внимание на наличие в материале актуальности решаемой автором научной проблемы. Рецензия должна однозначно характеризовать теоретическую или прикладную значимость исследования, соотносить выводы автора с существующими научными концепциями. Необходимым элементом рецензии должна служить оценка рецензентом личного вклада автора статьи в решение рассматриваемой проблемы. Целесообразно отметить в рецензии соответствие стиля, логики и доступности изложения научному характеру материала, а также получить заключение о достоверности и обоснованности выводов.

5. После получения рецензий рассматривается вопрос о поступивших статьях и принимается окончательное решение на основе оценки рецензий об опубликовании или отказе в опубликовании статей. На основе принятого решения автору (авторам) по e-mail или почте направляется письмо, в котором дается общая оценка статьи и принятое решение. При отказе в публикации рецензенты остаются анонимными.

6. Редколлегия вправе направлять статьи на дополнительное внешнее анонимное рецензирование. Главный редактор направляет рецензенту письмо с просьбой о рецензировании. К письму прилагаются статья и рекомендуемая форма рецензии.

7. Наличие положительных рецензий не является достаточным основанием для публикации статьи. Окончательное решение о целесообразности публикации принимает редакционная коллегия.

8. При наличии в статье существенной доли критических замечаний рецензента и при общей положительной рекомендации редколлегия может отнести материал к разряду полемичных и печатать его в порядке научной дискуссии.

9. Оригиналы рецензий хранятся в редакции журнала «Молдавский журнал международного права и международных отношений».

**RUBRICA REVISTEI
OUR JOURNAL
O HAMEM ЖУРНАЛЕ**

**Declarație
privind etica publicațiilor științifice și baza juridică a politicii editoriale a revistei
„Revista Moldovenească de Drept Internațional și Relații Internaționale”**

Colegiul de redacție al publicației periodice științifico-teoretice și informațional-practice „Revista Moldovenească de Drept Internațional și Relații Internaționale” aderă la principiile de etică a publicațiilor științifice acceptate la nivel internațional, reflectate, printre altele, în recomandările Comisiei pentru etică a publicațiilor științifice (Comisia pentru publicație etică (COPE) (<http://publicationethics.org/about/guide>), Ghid pentru etica publicațiilor științifice (editura etică Resource Kit) Elsevier editor (<https://www.elsevier.com/editors/publishing-ethics>), Codul de etică și deontologie profesională a cercetătorilor și a personalului universitar din Republica Moldova, aprobat de către Consiliul Național de Atestare și Acreditare la 23.05. 2012 (http://edu.asm.md/tc_userfiles/cod-etica.pdf).

Termeni-cheie:

Etica publicațiilor științifice — un sistem de reguli de conduită profesională în relațiile dintre autori, recenzenți, redactori, editori și cititori în crearea, diseminarea și utilizarea publicațiilor științifice.

Redactor — un reprezentant al revistei sau editurii științifice, responsabil pentru pregătirea materialelor pentru publicare, precum și menținerea contactului cu autorii și cititorii publicațiilor științifice.

Autor — o persoană sau un grup de persoane (grup de autori), care participă la crearea și publicarea rezultatelor cercetării științifice.

Recenzent — expert care acționează în numele unei reviste științifice sau editurii și realizează expertiza materialelor științifice prezentate de către autor pentru a determina posibilitatea publicării lor.

Editor — persoană juridică sau fizică care exercită editarea publică a unei publicații științifice.

Ciutor — orice persoană care a făcut cunoștință cu materialul publicat.

Plagiat — atribuire intenționată a dreptului de autor a unei alte opere de artă sau știință, idei sau invenții ale altor oameni. Plagiatură poate fi o încălcare a legii drepturilor de autor și legii brevetelor și poate atrage după sine răspunderea juridică ca atare.

1. Principiile de etică profesională în activitatea redactorului și editorului

Membrii consiliului editorial au următoarele responsabilități:

1.1. Să ia în considerare toate materialele manuscrise furnizate de autor, și să ia o decizie obiectivă cu privire la posibilitatea publicării lor, pe baza relevanței și a fiabilității studiului, precum și profilul de specialitate al revistei.

1.2. Să aibă atitudine respectuoasă față de autor, indiferent de rasă, sex, orientare sexuală, religie, origine, naționalitate, statutul social, preferințele politice sau a altor calități subiective;

1.3. Să respecte dreptul autorului de proprietate intelectuală, să împiedice divulgarea rezultatelor cercetării utilizarea acestora în scopuri personale fără consimțământul autorului;

1.4. Să excludă din articol materialele care conțin falsificarea rezultatelor și a plagiatului, precum și copierea multiplă a informațiilor și atribuirea falsă a dreptului de autor;

1.5. Să asigure confidențialitatea și anonimatul recenzării materialelor manuscrise;

1.6. Să angajeze în calitate de recenzenți a articolelor doar specialiștii de înaltă clasificare.

2. Principiile etice în activitățile recenzentului

Recenzentul este responsabil pentru respectarea următoarelor principii:

2.1. Să efectueze expertiza științifică confidențială a materialelor științifice manuscrise prezentate spre publicare de către autor, care are ca scop îmbunătățirea calității acestora și ajutorarea consiliului editorial să ia o decizie cu privire la posibilitatea publicării rezultatelor studiului;

2.2. Autorul/coautorul manuscrisului nu poate acționa în calitate de referent al articolului său;

2.3. Să refuze să recenzeze articolul în cazul când dispune de o insuficientă competență pentru această abilitate sau incapacitatea de a furniza recenzia manuscrisului într-un timp specificat;

2.4. Să asigure o maximă obiectivitate a recenziei pe baza relevanței, meritelor științifice, originalitatea și autenticitatea rezultatelor cercetărilor efectuate de autor. Orice critică a naturii subiective, care decurg din relațiile personale ale recenzentului cu autorul sau orice alte motive, sunt inacceptabile și nu sunt permise;

2.5. Să raporteze toate cazurile de posibile conflicte de interese;

2.6. Să nu păstreze copii ale manuscrisului și nu-l transmită la alte persoane terțe. În plus, informațiile furnizate în manuscrisele peer-revizuite, nu pot fi folosite în propriile cercetări înainte de publicarea lor fără consimțământul autorului;

2.7. Să verifice claritatea prezentării materialului în curs de revizuire pentru ca acesta să conțină link-uri către toate datele utilizate din lucrările publicate anterior;

2.8. Să argumenteze concluziile sale cu privire la manuscrisele peer-revizuite, astfel încât autorului și membrilor consiliului editorial să le fie clar obiectivitatea și legitimitatea acestora;

2.9. Să informeze membrii consiliului editorial, în cazul în care manuscrisul în curs de revizuire are o asemănare semnificativă cu articole publicate anterior, adică, cazuri de *plagiat*.

3. Principiile pe care trebuie să le ghideze autorul publicațiilor

Autorul — este persoana care a avut o contribuție personală la formarea și interpretarea rezultatelor cercetării. Prin furnizarea manuscrisului în vederea editării și difuzării comunității științifice a conținutului acestuia, autorul trebuie:

3.1. Să se bazeze exclusiv pe date precise și reale, precum și interpretarea lor obiectivă, evitând declarații inițial false și frauduloase cu privire la rezultatele obținute;

3.2. Să nu prezinte materialele manuscrise pentru examinare spre publicare în mai mult de o revistă, și să nu participe multiple și duplicate publicații, care sunt considerate ca fiind *autoplăgiat*;

3.3. Să dezvăluie toate sursele de sprijin financiar sau de altă natură pentru studiu, în rezultatul cărora a fost pregătit manuscrisul, cu menționarea separată a rolului și contribuției fiecărei părți;

3.4. Informații de conversații personale sau corespondență pot fi folosite în cercetare numai cu acordul scris al persoanei căreia îi este furnizat;

3.5. Textele și informațiile grafice derivate din rezultatele publicate ale studiilor altor persoane, trebuie să fie prevăzute cu referire la activitatea relevantă. În plus, activitatea de același subiect, rezultatele care au influențat cursul studiului, ar trebui să fie anunțate în lista de referințe;

3.6. Atunci când a fost depistată o denaturare semnificativă sau constatări eronate în manuscrisul acceptat spre publicare sau articolul deja publicat este obligat să notifice consiliul editorial de a face corecții, negări sau revocarea lucrărilor;

3.7. În cazul luării deciziilor de către consiliul editorial privitor la publicarea manuscrisului, autorul este de acord cu transferul drepturilor la publicarea și difuzarea acestuia (în versiunile electronice și pe hârtie), inclusiv plasarea informațiilor bibliografice în bazele de date Science Citation, SCOPUS, Web of Science și versiunea full-text al Bibliotecii Electronice Științifice (elibrary.ru) în acces liber.

Consiliul Redacțional

RUBRICA REVISTEI
OUR JOURNAL
О НАШЕМ ЖУРНАЛЕ

**Declaration
on the ethical and legal basis of the editorial policy
of the „Moldavian Journal of International Law and International Relations”**

The Editorial Board of the scientific-theoretical and information-practical periodical publication „Moldavian Journal of International Law and International Relations” commits to the internationally accepted principles of publication ethics expressed in the recommendations of the Committee on Publication Ethics (COPE) (<http://publicationethics.org/about/guide>), Elsevier Publishing Ethics Resource Kit (<https://www.elsevier.com/editors/publishing-ethics>) and the Code of ethics and professional deontology of the researchers and academic staff in the Republic of Moldova, approved by the National Certification Board and Acreditatare at 23.05. 2012. (http://edu.asm.md/tc_userfiles/cod-etica.pdf).

Key terms

Publication ethics is a system of professional conduct standards in relations between authors, reviewers, editors, publishers and readers when creating, disseminating and using scientific publications.

The **Editor** is a representative of the research journal or the publisher responsible for selecting and preparing materials for publication and encouraging communication between authors and readers of scientific papers.

The **Author** is a person or a group of persons (group of authors) who produce a manuscript that contains the results of their scientific research.

The **Reviewer** is an expert acting on behalf of the research journal or the publisher and providing scientific evaluation of authors' works in order to consider their publishing.

The **Publisher** is a legal entity or a natural person responsible for publication.

The **Reader** is any person who has familiarized themselves with the published materials.

Plagiarism is a wrongful appropriation of another author's scientific or artistic work, ideas, discoveries or inventions. Plagiarism may be a violation of copyright law and patent law and, as such, can entail legal liability.

The Code of Conduct for Editors-in-Chief and Publishers

Editors have the following general responsibilities:

1.1. Editor is bound to consider all materials of the manuscript submitted by Author. The final responsibility for accepting or rejecting the manuscript (based on its relevance, integrity, and fitting into the journal profile) without any personal and ideological favoritism or malice rests with Editor;

1.2. Editor should treat Author respectfully, regardless of their race, ethnicity, gender, sexual orientation, religious beliefs, origin, citizenship, social status or political preferences of the author and other subjective qualities;

1.3. Editor is obligated to observe the intellectual property rights of Authors by keeping in confidentiality all data provided in the manuscript without using them for personal purposes or transferring to the third parties;

1.4. Editor should exclude from publishing all plagiarized or falsified materials, as well as take serious steps in case of redundancy and false attribution of authorship;

1.5. Editor ensures confidentiality and anonymity of the review process;

1.6. Editor should invite only highly professional specialists as Reviewers.

The Code of Conduct for Reviewers

Reviewing of the submitted manuscript should be based on the following major principles:

2.1. Reviewer maintains confidentiality concerning the scientific inquiry of the manuscript, which is intended to improve its quality and helps the editorial board to finalize their decision on publishing the results of research;

2.2. Author/Co-author of the manuscript cannot act as Reviewer;

2.3. If Reviewer recognizes that either the manuscript is not related to their scholarly background or the time allocated for review is not enough, it immediately sets the ground for refusal;

2.4. When reviewing the material submitted for publication, Reviewers are obligated to be objective in their evaluation of the manuscript. All suggestions and judgements should be based on the relevance, integrity, and originality of the results of research performed by Author. Any critical statements of a subjective nature arising from personal attitudes to Author or other reasons are not acceptable;

2.5. Reviewers should disclose all conflicts of interest that may arise;

2.6. Reviewer is not allowed to keep any copies of the manuscript or transfer the materials under review to any other side. The manuscript cannot be used for personal research purposes prior to its publication unless special permission is obtained from Author;

2.7. Reviewer ensures that the manuscript is coherently written and contains all references to the cited or used works;

2.8. Reviewer should support their conclusions about the manuscript, thus ensuring that Author and Editor understand the basis of all comments and judgements;

2.9. Reviewer should point out if the manuscript bears considerable similarities to the works published earlier, i.e., report on plagiarism.

The Code of Conduct for Authors

Author is a person who has made a worthy contribution to the process of research or interpretation of its results. Author submitting their manuscript for the purpose of publishing and distribution in the scientific community should strive to comply with the following rules:

3.1. Authors should rely upon exceptionally accurate and actual data, as well as their unbiased interpretation without permitting any false or fraudulent claims about the obtained results;

3.2. Authors are not allowed to submit the same manuscript to any other journal for publication, in whole or in part, when it is being considered by Journal. In addition, they should not participate in multiple and redundant publications, which is regarded as self-plagiarism;

3.3. All research funders, as well as other sources of support, should be clearly identified and listed in the manuscript, including indication of the role of each contributing party;

3.4. Data obtained in the private talk or correspondence can be used only subject to prior written approval from the person, who provided them;

3.5. Graphic or textual data from the works published by other authors should be indicated with reference to the source, from which they were taken. Besides, all works published elsewhere and covering similar issues, which influenced the research, should be given in the list of references;

3.6. If Authors discover significant errors and incorrect conclusions in their manuscripts, either accepted for publishing or already published by Journal they should immediately inform Editor about it in order to take appropriate steps, such as correction, disclamation, or retraction;

3.7. As Editor makes the final decision to publish the manuscript, Authors agree with the transfer of the right to publish and distribute their published work (in print and electronic versions), as well as with that the bibliographic data will be included in the science citation databases SCOPUS, Web of Science and the full text will be freely available in the Scientific Electronic Library (elibrary.ru).

The Editorial Board

**RUBRICA REVISTEI
OUR JOURNAL
О НАШЕМ ЖУРНАЛЕ**

Декларация

**об этических и правовых основах редакционной политики журнала
«Молдавский журнал международного права и международных отношений»**

Редакционная коллегия научно-теоретического и информационно-практического периодического журнала «Молдавский журнал международного права и международных отношений» придерживается принятых международным сообществом принципов публикационной этики, отраженных, в частности, в рекомендациях Комитета по этике научных публикаций (Committee on Publication Ethics (COPE) (<http://publicationethics.org/about/guide>), Руководстве по этике научных публикаций (Publishing Ethics Resource Kit) издательства Elsevier (<https://www.elsevier.com/editors/publishing-ethics>), Кодексе этики и профессиональной деонтологии исследователей и университетских кадров Республики Молдова от 23.05. 2012 г. (http://edu.asm.md/tc_userfiles/cod-etica.pdf).

Основные термины:

Этика научных публикаций — это система норм профессионального поведения во взаимоотношениях авторов, рецензентов, редакторов, издателей и читателей в процессе создания, распространения и использования научных публикаций.

Редактор — представитель научного журнала или издательства, осуществляющий подготовку материалов для публикации, а также поддерживающий общение с авторами и читателями научных публикаций.

Автор — это лицо или группа лиц (коллектив авторов), участвующих в создании публикации результатов научного исследования.

Рецензент — эксперт, действующий от имени научного журнала или издательства и проводящий научную экспертизу авторских материалов с целью определения возможности их публикации.

Издатель — юридическое или физическое лицо, осуществляющие выпуск в свет научной публикации.

Читатель — любое лицо, ознакомившееся с опубликованными материалами.

Плагат — умышленное присвоение авторства чужого произведения науки или искусства, чужих идей или изобретений. Плагат может быть нарушением авторско-правового законодательства и патентного законодательства и в качестве такового может повлечь за собой юридическую ответственность.

1. Принципы профессиональной этики в деятельности редактора и издателя

На членов редакционной коллегии возлагаются следующие обязанности:

1.1. Рассматривать все материалы рукописи, предоставляемые автором, и принимать объективное решение о возможности их публикации, исходя из актуальности и достоверности проведенного исследования, а также соответствия профилю Журнала.

1.2. Уважительно относиться к автору вне зависимости от его расы, пола, сексуальной ориентации, религиозных взглядов, происхождения, гражданства, социального положения, политических предпочтений авторов или иных субъективных качеств;

1.3. Соблюдать право автора на интеллектуальную собственность, не допуская раскрытия данных исследования или использования их в личных целях без согласования с автором;

1.4. Исключать из публикации материалы, содержащие фальсификацию результатов и плагиат, а также многократное копирование информации и ложное приписывание авторства;

1.5. Обеспечивать конфиденциальность и анонимность рецензирования материалов рукописи;

1.6. Привлекать к рецензированию статей исключительно профильных специалистов высокого класса.

2. Этические принципы в деятельности рецензента

Рецензент несет ответственность за соблюдение следующих основных принципов:

2.1. Осуществлять конфиденциальную научную экспертизу авторских материалов рукописи, которая призвана улучшить ее качество и помочь редакционной коллегии принять решение о возможности публикации результатов проведенного исследования;

2.2. Автор/соавтор рукописи не может выступать в роли ее рецензента;

2.3. Отказываться от рецензирования в случае недостаточной для этого квалификации или невозможности предоставить рецензию рукописи в указанные сроки;

2.4. Гарантировать максимальную объективность рецензии на основе актуальности, научной значимости, достоверности и новизны результатов исследования, проведенного автором. Любые критические замечания субъективного характера, проистекающие из личного отношения к автору или каких-либо иных причин, неприемлемы и не допускаются;

2.5. Сообщать о всех случаях возможного конфликта интересов;

2.6. Не хранить у себя копии рукописи и не передавать ее материалы иным лицам. Кроме того, сведения, приводимые в рецензируемой рукописи, не могут быть использованы в собственных исследованиях до опубликования без согласия автора;

2.7. Проверять ясность изложения рецензируемого материала и наличие в нем ссылок на все используемые сведения из ранее опубликованных работ;

2.8. Аргументировать свои выводы о рецензируемой рукописи так, чтобы автору и членам редакционной коллегии была понятна их объективность и правомерность;

2.9. Информировать членов редакционной коллегии, если рецензируемая рукопись имеет значительное сходство с ранее опубликованными статьями, то есть о случаях плагиата.

3. Принципы, которыми должен руководствоваться автор научных публикаций

Автор — лицо, которое внесло свой индивидуальный вклад в формирование и интерпретацию результатов исследования. Автор, предоставляющий рукопись с целью опубликования и распространения в научном сообществе содержащихся в ней сведений, должен:

3.1. Опирается исключительно на точные и реальные данные, а также их объективную интерпретацию, не допуская изначально ложных и мошеннических заявлений о достигнутых результатах;

3.2. Не подавать материалы рукописи на рассмотрение к публикации в более чем один журнал, а также не принимать участие в многократных и дублирующих публикациях, что расценивается как самоплагиат;

3.3. Раскрывать все источники финансовой или иной поддержки исследования, по результатам которого подготовлена рукопись, с отдельным указанием роли и вклада каждой стороны;

3.4. Информация из личной беседы или переписки может быть использована в исследовании только с письменного согласия лица, которое ее предоставило;

3.5. Текстовая и графическая информация, заимствованная из опубликованных результатов исследований иных лиц, должна быть приведена с указанием ссылки на соответствующую работу. Кроме того, работы в рамках схожей тематики, результаты которых повлияли на ход исследования, должны быть оглашены в списке литературы;

3.6. При обнаружении существенных неточностей или ошибочных выводов в принятой к публикации или уже опубликованной рукописи требуется уведомить об этом редакционную коллегию Журнала для внесения корректировки, опровержения или отзыва работы;

3.7. При принятии редакционной коллегией решения о публикации рукописи автор соглашается с передачей права на ее издание и распространение (в электронной и бумажной версиях), в том числе на размещение библиографической информации в базах научного цитирования SCOPUS, Web of Science и полнотекстовой версии в Научной электронной библиотеке (elibrary.ru) в свободном доступе.

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