

ISSN 1857-1999  
E-ISSN 2345-1963



# REVISTA MOLDOVENEASCĂ DE DREPT INTERNAȚIONAL ȘI RELAȚII INTERNAȚIONALE

*Moldavian Journal  
of International Law  
and International Relations*

*Молдавский журнал  
международного права  
и международных отношений*



*Nr. 2 (Vol. 19)  
2024*

**REVISTA MOLDOVENEASCĂ  
DE DREPT INTERNAȚIONAL  
ȘI RELAȚII INTERNAȚIONALE**

ISSN 1857-1999 E-ISSN 2345-1963

Apare din 2006 de 4 ori pe an, din 2018 apare de 2 ori pe an

**Nr. 2 (Volumul 19), 2024**

Publicație periodică științifico-teoretică  
și informațional-practică fondată de

[Asociația de Drept Internațional din Republica Moldova](#)

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Înregistrată

de către Camera Înregistrării de Stat

de pe lângă Ministerul Justiției al Republicii Moldova

[Certificatul nr. MD 000039 din „04” august 2009](#)

Accreditată prin Decizia

Agenciei Naționale de Asigurare a Calității în Educație și Cercetare  
(ANACEC) a Republicii Moldova

[Nr. 12 din 23.02.2024](#)

în calitate de publicație științifică de profil, Categoria „B”,  
la specialitățile: 12.00.10 (552.08) - drept internațional public; 12.00.03  
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WEB pagina: <http://rmdiri.md/>; <http://usem.md/md/p/rmdiri>

Indexul poștal: PM 32028

Toate articolele științifice primite de biroul editorial al revistei în  
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



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# REVISTA MOLDOVENEASCĂ DE DREPT INTERNAȚIONAL ȘI RELAȚII INTERNAȚIONALE

**Nr. 2 (Volumul 19), 2024**

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**MOLDAVIAN JOURNAL  
OF INTERNATIONAL LAW  
AND INTERNATIONAL RELATIONS**

ISSN 1857-1999 E-ISSN 2345-1963

Issued since 2006. Published 4 times a year  
Since 2018, it is published 2 times a year

**No. 2 (Volume 19), 2024**

Scientific-theoretical and information-practical  
periodical publication founded by  
Association of International Law from  
the Republic of Moldova

Co-founders:

The University of European Studies of Moldova,  
The Association of Foreign Policy  
and International Cooperation from the Republic of Moldova

Registered  
by the State Registration Chamber  
of the Ministry of Justice of the Republic of Moldova  
the Certificate No. MD 000039 „4” august 2009

Accredited  
by decision Nr. 12 din 23.02.2024  
of the National Agency for Quality Assurance in Education and  
Research (ANACEC) of the Republic of Moldova  
as of profile scientific publication, Category „B”,  
in the field of: 12.00.10 (552.08) - Public International Law; 12.00.03  
(553.06) - Private International Law (*profile of legal science*) and  
23.00.04 (562.01) - Theory and History of International Relations and  
Global Development (*profile of political science*)

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Edition index PIN: PM 32028

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



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МЕЖДУНАРОДНОГО ПРАВА  
И МЕЖДУНАРОДНЫХ ОТНОШЕНИЙ**

ISSN 1857-1999 E-ISSN 2345-1963

Выходит с 2006 года. Издавался 4 раза в год  
С 2018 года издаётся 2 раза в год

**№ 2 (Том 19), 2024 год**

Научно-теоретический и информационно-практический  
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Зарегистрирован

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при Министерстве юстиции Республики Молдова  
[Сертификат № MD 000039 от «4» августа 2009 года](#)

Аккредитован

решением [№г. 12 din 23.02.2024](#) Национального агентства по  
обеспечению качества в образовании и исследованиях (ANACEC)  
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категория «Б»,

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



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





**№ 2 (Том 19), 2024**

ISSN 1857-1999 E-ISSN 2345-1963

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„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.

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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 2006-2024 în revistă au fost publicate mai mult de 700 de articole a autorilor din peste 25 de țări (Republica Moldova - 461, Ucraina - 83, România - 61, Federația Rusă - 51, Republica Slovacă - 42, Bulgaria - 10, Republica Belarus - 8, Republica Federală Germania - 7, Georgia - 7, Republica Franceză - 6, Grecia - 5, Turcia - 5, Azerbaidjan - 4, Regatul Spaniei - 3, Tadjikistan - 2, Ungaria - 2, Republica Polonă - 4, 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.

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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 2006-2024 more than 700 articles have been published in the journal, by authors from more than 25 countries (The Republic of Moldova - 461, Ukraine - 83, Romania - 61, The Russian Federation - 51, The Slovak Republic - 42, Bulgaria - 10, The Republic of Belarus - 8, The Federal Republic of Germany - 7, Georgia - 7, The French Republic - 6, Greece - 5, Turkey - 5, Azerbaijan - 4, Spain - 3, Tajikistan - 2, Hungary - 2, Poland - 4, 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.

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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 2006-2024 гг. в журнале было опубликовано более 700 статей авторов из более 25 стран (Республика Молдова - 461, Украина - 83, Румыния - 61, Российская Федерация - 51, Словацкая Республика - 42, Болгария - 10, Республика Беларусь - 8, Германия - 7, Грузия - 7, Французская Республика - 6, Греция - 5, Турция - 5, Азербайджан - 4, Королевство Испания - 3, Таджикистан - 2, Венгрия - 2, Польша - 4, 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.





**DREPT INTERNAȚIONAL PUBLIC**  
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**МЕЖДУНАРОДНОЕ ПУБЛИЧНОЕ ПРАВО**

**"SPACE DEBRIS" AND ENSURING ENVIRONMENTAL SECURITY**  
**„DEȘEURILE SPAȚIALE” ȘI ASIGURAREA SECURITĂȚII ECOLOGICE**  
**«КОСМИЧЕСКИЙ МУСОР» И ОБЕСПЕЧЕНИЕ ЭКОЛОГИЧЕСКОЙ БЕЗОПАСНОСТИ**

BURIAN Cristina\* / BURIAN Cristina / БУРИАН Кристина  
MĂRGINEANU Elena\*\* / MARGINEANU Elena / МЭРДЖИНЯНУ Елена

**ABSTRACT:**

**"SPACE DEBRIS" AND ENSURING ENVIRONMENTAL SECURITY**

*The article analyzes the current state of near-Earth space regarding „space debris” and the legal aspects of regulating this problem, taking into account the need to maintain environmental safety.*

*The notion of "space debris" is applied to all man-made objects and fragments thereof in outer space, which have already failed, will never function again and will not be capable of serving any useful purpose, but are a dangerous factor as they can produce destructive effects on operated space vehicles, especially piloted ones.*

*The authors believe that space debris presents a growing danger to the international community and that it is necessary to broaden cooperation in this area, regardless of the disagreements between states on various issues that exist at the moment.*

**Keywords:** space debris, outer space, environmental safety, Space control system, Missile attack warning system.

**JEL Classification:** K33

**Universal Decimal Classification:** 341.229

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.01>

**REZUMAT:**

**„DEȘEURILE SPAȚIALE” ȘI ASIGURAREA SECURITĂȚII ECOLOGICE**

*Articolul analizează starea actuală a spațiului cosmic în ceea ce privește „deșeurile spațiale” și aspectele legale ale reglementării acestei probleme, ținând cont de necesitatea menținerii siguranței mediului.*

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Noțiunea de „deșeuri spațiale” se aplică tuturor obiectelor create de om și fragmentelor acestora din spațiul cosmic, care au eșuat deja, nu vor mai funcționa niciodată și nu vor fi capabile să servească niciun scop util, dar sunt un factor periculos, deoarece pot. produc efecte distructive asupra vehiculelor spațiale operate, în special asupra celor pilotate.

Autorii consideră că deșeurile spațiale prezintă un pericol din ce în ce mai mare pentru comunitatea internațională și că este necesară lărgirea cooperării în acest domeniu, indiferent de neînțelegerile dintre stat pe diverse probleme care există în acest moment.

**Cuvinte-cheie:** deșeuri spațiale, spațiul cosmic, siguranța mediului, sistemul de control al spațiului, sistemul de avertizare a atacurilor cu rachete.

**JEL Classification:** K33

**CZU:** 341.229

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.01>

РЕЗЮМЕ:

## «КОСМИЧЕСКИЙ МУСОР» И ОБЕСПЕЧЕНИЕ ЭКОЛОГИЧЕСКОЙ БЕЗОПАСНОСТИ

В статье анализируется современное состояние околоземного космического пространства относительно "космического мусора" и правовые аспекты регулирования этой проблемы учитывая необходимость поддержания экологической безопасности.

Понятие «космический мусор» применяется ко всем искусственным объектам и их фрагментам в космическом пространстве, которые уже вышли из строя, никогда больше не будут функционировать и не будут способны служить какой-либо полезной цели, но являются опасным фактором, поскольку могут оказывать разрушительное воздействие на эксплуатируемые космические аппараты, особенно пилотируемые.

Авторы считают, что космический мусор представляет растущую опасность для международного сообщества и необходимо расширять сотрудничество в этой сфере, несмотря на существующие на данный момент разногласия между государствами по различным вопросам.

**Ключевые слова:** космический мусор, космическое пространство, экологическая безопасность, Система контроля космического пространства, Система предупреждения о ракетном нападении.

**JEL Classification:** K33

**УДК:** 341.229

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.01>

## Introduction

The problem of pollution of circumterrestrial outer space with various "space debris" emerged in theory immediately after the launch of Earth's first artificial satellites in the 1950s, but at the international level it only gained official status after the UN Secretary General on 10 December 1993 gave a speech entitled "The Impact of Space Activities on the Environment", in which he stressed the international and global nature of pollution and contamination of outer space with various debris<sup>1</sup>.

At the present time, more than 300,000 different objects and fragments of technogenic origin with a mass of more than 5,000 tonnes are reported to be in low Earth orbit (up to 2,000 km)<sup>2</sup>. Only about 10% of them have been detected, monitored and catalogued by optical and

<sup>1</sup> To be seen: Космический мусор как угроза безопасности полета. // Космос-журнал.рф 15.06.2012. [On-line:] <http://www.cosmos-journal.ru/articles/952/> (Vizited 01.02.2024).

<sup>2</sup> To be seen: ООН: Аппаратам на орбите угрожают 300 тыс обломков космического мусора. // РИА Наука, 02.10.2009. [On-line:] <http://ria.ru/science/20091002/187328503.html> (Vizited 01.02.2024).

radiolocation stations<sup>1</sup>. With current developments in telecommunication area, the most advanced broadband satellite internet that represents the world's largest satellite constellation using low Earth orbit (Starlink), accounts for over 5,400 operational satellites. According to projected deliverables, Starlink aims to increase this number to 42,000 satellites in a megaconstellation<sup>2</sup>. As presented in the satellitemap, the constellation size increased over time from a total of 880 items in January 2021, out of which over 80 were inactive and almost 60 were burned, to a total of over 6100 units in April 2024, out of which over 900 are inactive and over 370 are burned<sup>3</sup>. Thus, it can be fairly stated that the amount of satellites launched in space grows at a fast pace (in 2024 we have more inactive units than total units registered in 2021), rising the question of space debris to a security order.

### **Characteristics of "space debris"**

The notion of "space debris" is applied to all man-made objects and fragments thereof in outer space, which have already failed, will never function again and will not be capable of serving any useful purpose, but are a dangerous factor as they can produce destructive effects on operated space vehicles, especially piloted ones.

In some cases, excessively large fragments of 'debris' or cosmic objects containing hazardous materials (nuclear, toxic, etc.) can pose a direct threat to Earth's space, in the event of their uncontrolled descent from orbit, their incomplete burning as they pass through the Earth's atmosphere, and the related fallout of these cosmic objects on cities, industrial enterprises, communication and transport centres, etc.

Space debris resulted from satellite hardware is composed of various materials that can have different effects over the atmosphere: aluminium that is commonly used for structural elements and accounts the large amounts of the total mass for the vehicle it is used; carbon fibers or woven fabrics combined with epoxy; titanium used at engine components but also as a material for thermic isolation; cermaics; silican and copper<sup>4</sup>. Additional awarness of the space debris composition offers clarity upon the value of the debris itself, which allows its examination form the perspective of ecological security and rational usage.

There are various opinions on the danger posed by cosmic debris, the main categories of dangers being atmosphere pollition, collision in space, collision on Earth. It is certain that if the necessary measures are not taken as soon as possible, space activities may become impossible because of the 'cascade effect' which can be triggered by the collision of various fragments of 'space debris', multiplying the number of new fragments obtained as a result of such collisions (the Kessler effect) to infinity<sup>5</sup>.

As an example, the collision of just two cosmic objects, the Russian military telecommunications satellite "Kosmos-2251", launched into orbit in 1993, and the American commercial telecommunications satellite "Iridium-33", launched into orbit in 1997, resulted in a considerable increase in the "cosmic debris" in the Earth's orbit: on 10 February 2009, these colliding cosmic objects completely destroyed each other, fragmenting into more than 600 new large fragments<sup>6</sup> and more than 1200 smaller fragments<sup>1</sup>.

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<sup>1</sup> For example, the US Strategic Command Catalog in 2013 contained data on 16,600 pieces of space debris larger than 10 cm in diameter, and the Russian Cosmos Monitoring Catalog contained data on 15,800 pieces of space debris of various sizes.

<sup>2</sup> To be seen: Starlink satellites. [On-line:] <https://www.space.com/spacex-starlink-satellites.html> (Visited 01.02.2024).

<sup>3</sup> To be seen: [On-line:] <https://satellitemap.space/> (Visited 01.02.2024).

<sup>4</sup> Ratliff Laura. Space Debris Reentry: Inadvertent Geoengineering, 2022. [On-line:] <https://bpb-us-e1.wpmucdn.com/blogs.gwu.edu/dist/7/314/files/2019/08/Ratliff-Debris-Reentry-Final-reformat.pdf> (Visited 01.02.2024).

<sup>5</sup> D.J. Kessler and Burton G. Cour-Palais. Collision Frequency of Artificial Satellites: The Creation of a Debris Belt. In: Journal of Geophysical Research, June, 1, 1978, Vol. 83, No. A6. Paper number 8A0210, P. 2637-2646.

<sup>6</sup> To be seen: Над Сибирью столкнулись российский и американский спутники. - Lenta.ru. 12.02.2009. On-line: <http://lenta.ru/news/2009/02/12/collision/> (Visited 01.02.2024).

On 11 January 2007, the Chinese satellite "FenJun-1C" was destroyed by a Chinese rocket for anti-satellite weapons testing. As a result of this collision of two cosmic objects in outer space, more than 2800 new fragments of "space debris" have appeared, which obviously pose a danger to space exploration activities<sup>2</sup>. Further in 2013, the debris of Chinese anti-satellite weapon testing (ASAT) collided with a disabled Russian satellite<sup>3</sup>.

Currently, experts assume that Starlink satellites represent the number one source of collision hazards in Earth's orbit. In the same time, SpaceX issued a statement of „Commitment to Space Sustainability” expressing the intention to deorbit older internet satellites with the purpose to reduce the danger imposed from spacecrafts in low Earth orbit<sup>4</sup>.

At present there are no effective methods or technologies that could practically use or destroy "space debris" located in orbits above 600 km from Earth, where there is no natural destruction effect of such debris by the Earth's pull and braking force in the atmosphere, leading to its burning. The decommissioning that Starlink is using also implies steering old satellites into atmosphere to be burned up<sup>5</sup>.

At the same time, various possibilities are being studied for using satellites that could destroy cosmic debris by laser, or by teleporting the debris to other cosmic orbits using ion cannons or ground lasers, which would brake the debris fragments by drawing them into the Earth's atmosphere, where they could burn up in the process<sup>6</sup>.

The topicality of this problem is increasingly pressing and the need to ensure the continued safety of cosmic devices and objects in the face of the rapid growth of cosmic debris requires the states of the world to work together fruitfully in this field in order to solve it<sup>7</sup>.

### Space control system

There are many instruments for monitoring near-Earth orbits in order to search for objects in it. They can be categorized into radar and optical. Detection of orbital objects can also be an additional function of general-purpose space exploration instruments or defense systems. There are also a number of specialized instruments. The USSR and the USA have developed powerful space tracking instruments. A number of specialized instruments also exist in Europe and other countries. A number of national programs for tracking near-Earth objects and dealing with space debris are also in operation. *An Inter-Agency Space Debris Coordination Committee* has been established to coordinate their activities<sup>8</sup>.

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<sup>1</sup> To be seen: Назаренко А.И. Моделирование космического мусора - М.: ИКИ РАН, 2013. 216 с. (Серия «Механика, управление и информатика»), ISBN 978-5-9903101-6-2, ISSN 2075-6839: с. 188-200.

<sup>2</sup> An Assessment of the Current LEO Debris Environment and the Need for Active Debris Removal // NASA, Liou - 2010 - slide 3 "Growth of the Historical Debris Populations". [On-line:] <http://ntrs.nasa.gov/archive/nasa/casi.ntrs.nasa.gov/20100017146.pdf#page=4> (Visited 01.02.2024).

<sup>3</sup> Melissa Gray, 'Chinese space debris hits Russian satellite, scientists say', *CNN* (9 March 2013), [On-line:] [www.cnn.com/2013/03/09/tech/satellite-hit](http://www.cnn.com/2013/03/09/tech/satellite-hit). (Visited 22.04.2024)

<sup>4</sup> To be seen: Starlink satellites. [On-line:] <https://www.space.com/spacex-starlink-satellites.html> (Visited 01.02.2024).

<sup>5</sup> Ibid.

<sup>6</sup> To be seen: Буриан К. А. "Космический мусор" и экологическое право: реальность, тенденции, перспективы. In: Международная научно-практическая конференция "Евразийская интеграция: правовой и образовательный аспекты". ШКОЛА ИНТЕРЕКОПРАВА. Новосибирский государственный университет, 4-5 декабря 2014 г. (Burian K. A. "Kosmicheskij musor" i jekologicheskoe pravo: real'nost', tendencii, perspektivy. In: Mezhdunarodnaja nauchno-prakticheskaja konferencija "Evrazijskaja integracija: pravovoj i obrazovatel'nyj aspekty". SHKOLA INTERJEKOPRAVA. Novosibirskij gosudarstvennyj universitet, 4-5 dekabrja 2014 g.). [On-line:] [http://iel2nd.ucoz.ru/NSUposter\\_K.A.Burian\\_C.pdf](http://iel2nd.ucoz.ru/NSUposter_K.A.Burian_C.pdf) (Vizited 01.02.2024).

<sup>7</sup> To be seen: Мохаммад С.А. Международно-правовые аспекты борьбы с негативными экологическими последствиями космической деятельности. // Евразийский юридический журнал, № 7 (26) 2010. [On-line:] [http://www.eurasialaw.ru/index.php?option=com\\_jcontentplus&view=article&id=1065:-7-26-2010-&catid=110:2010-06-17-10-27-36&Itemid=196](http://www.eurasialaw.ru/index.php?option=com_jcontentplus&view=article&id=1065:-7-26-2010-&catid=110:2010-06-17-10-27-36&Itemid=196) (Vizited 01.02.2024).

<sup>8</sup> Inter-Agency Space Debris Coordination Committee. [On-line:] [https://iadc-home.org/what\\_iadc](https://iadc-home.org/what_iadc) (Vizited 01.02.2024).

*United States of America*

In the USA there have been many programs for monitoring near-Earth space, both military and civil, such as *Project Space Track*<sup>1</sup>, *National Space Defense Center*<sup>2</sup>, *Space Detection and Tracking System*<sup>3</sup>.

The closest to the topic of space debris is the *NASA Orbital Debris Program Office*<sup>4</sup>. As part of their work, many tools have been created, including specialized tools. For example, *NASA Orbital Debris Observatory*<sup>5</sup>, *Large Zenith Telescope*<sup>6</sup> and others.

The United States Space Surveillance Network is an active service established to track the trajectories of objects in Earth orbit. Objects ranging from a few centimeters in diameter are tracked.

*European Space Agency*

A number of instruments for monitoring near-Earth space operate under the auspices of the European Space Agency. Such as the *ESA Space Debris Telescope*<sup>7</sup>, *TIRA (System)*<sup>8</sup>, *EISCAT*<sup>9</sup>.

*USSR and Russian Federation*

The Soviet Union created the Space Control System, which still maintains a catalog of orbital objects based on data from SPRN systems (Missile Warning System)<sup>10</sup> and specialized near-Earth observation stations<sup>11</sup>. Space debris began to be dealt with in 1985 in the Ministry of Defense and the USSR Academy of Sciences. Already in 1990 the first practical estimates were obtained and a mathematical model of near-Earth space debris was developed. In 1992, for the first time in the country, a project of standard initial data (SID) was created to support the development of space orbital facilities.

Russia's Federal Space Program for 2016-2025 includes the creation of a "scavenger" of debris from geostationary orbits (which, as of 2014, contain up to 1,000 unexploited objects) by 2025. It is planned that within six months each "Liquidator" will transfer up to 10 objects to the disposal orbit.

As of 2015, according to the Russian hazard warning system, there are more than 17,000 space objects of artificial origin in near-Earth space. Of these, 1,336 are operational, the rest are space debris.

In addition to SPRN systems, the specialized radio-optical space object recognition complex Krona<sup>12</sup> is engaged in the search for and identification of orbital objects and the Arkhyz optical observation station<sup>13</sup>, the Altai optical-laser station, and the Altai optical-laser

<sup>1</sup> Project Space Track. [On-line:] <https://www.space-track.org/auth/login> (Vizited 01.02.2024).

<sup>2</sup> National Space Defense Center. [On-line:] <https://www.jtf-spacedefense.mil/About-Us/Fact-Sheets/Display/Article/3071003/national-space-defense-center/> (Vizited 01.02.2024).

<sup>3</sup> Space Detection and Tracking System. [On-line:] <https://www.radartutorial.eu/02.basics/rp56.en.html> (Vizited 01.02.2024).

<sup>4</sup> NASA Orbital Debris Program Office. [On-line:] <https://orbitaldebris.jsc.nasa.gov/> (Vizited 01.02.2024).

<sup>5</sup> NASA Orbital Debris Observatory. [On-line:] <https://orbitaldebris.jsc.nasa.gov/protection/> (Vizited 01.02.2024).

<sup>6</sup> Large Zenith Telescope: <https://www.astro.ubc.ca/lmt/lzt/> (Vizited 01.02.2024).

<sup>7</sup> ESA Space Debris Telescope. [On-line:] [https://www.esa.int/Space\\_Safety/Space\\_Debris/Scanning\\_and\\_observing2](https://www.esa.int/Space_Safety/Space_Debris/Scanning_and_observing2) (Vizited 01.02.2024).

<sup>8</sup> TIRA (System). [On-line:] <https://www.fhr.fraunhofer.de/en/the-institute/technical-equipment/Space-observation-radar-TIRA.html> (Vizited 01.02.2024).

<sup>9</sup> EISCAT. [On-line:] <https://eiscat.se/> (Vizited 01.02.2024).

<sup>10</sup> To be seen: Система контроля космического пространства. [On-line:] <https://macvympe.ru/projects/skcp/> (Vizited 01.02.2024).

<sup>11</sup> To be seen: Система предупреждения о ракетном нападении. [On-line:] <https://russianforces.org/rus/sprn/> (Vizited 01.02.2024).

<sup>12</sup> To be seen: Радиооптический комплекс распознавания космических объектов «Крона». [On-line:] <https://vpk.name/library/f/krona-rokr.html> (Vizited 01.02.2024).

<sup>13</sup> To be seen: Станция оптических наблюдений «Архыз». [On-line:] <https://npg-spp.ru/branches/filial-son-arkhyz-ao-npk-spp/> (Vizited 01.02.2024).

station are also involved in the search for and identification of orbital objects The G. S. Titov Altai Optical and Laser Center<sup>1</sup>, and the Okno optoelectronic complex<sup>2</sup>.

### International cooperation

In general, the problem of space debris, like any complex and topical issue, has several dimensions: scientific, technical, legal, environmental and so on. Despite the fact that this subject attracts the attention of many national research centers and space agencies and is periodically discussed with varying degrees of depth at numerous committees and commissions of international organizations, such as the International Astronautical Federation (IAF)<sup>3</sup>, the Committee on Space Research of the International Council of Scientific Unions (COSPAR)<sup>4</sup>, The International Telecommunication Union (ITU)<sup>5</sup>, the International Institute of Space Law (IISL)<sup>6</sup> and others, it seems that recently the joint coordinated activity of two international bodies in the "technical" and "political and legal" dimensions of this problem has brought its understanding to a qualitatively new level. These are the Inter-Agency Space Debris Coordination Committee (IADC)<sup>7</sup> and the Scientific and Technical Subcommittee of the UN Committee on the Peaceful Uses of Outer Space (STCS UN COPUOS)<sup>8</sup>.

The Inter-Agency Space Debris Coordination Committee, (IADC) was established in 1993 and is an intergovernmental forum for coordinating research activities related to orbital debris. Its members include the space agencies of Italy, France, China, Canada, Germany, India, Japan, South Korea, USA, Russia, Ukraine, UK, and the European Space Agency. The main purpose of the committee is to exchange information between member space agencies on space debris research<sup>9</sup>.

The priority directions for international cooperation in this area are:

- Ecological monitoring of circumterrestrial outer space, including geostationary orbit, tracking and monitoring of "space debris", their catalysis.
- Mathematical modelling of "space debris" and creation of international information systems for forecasting hazards to spacecraft and objects, and monitoring hazardous situations where fragments of "space debris" approach spacecraft and objects or descend uncontrolled into the atmosphere, available stallelite burnup, satellite trajectory reentry etc.
- Development of methods and mechanisms for protection of cosmic objects and devices against possible actions of cosmic supervoid dominant "space debris" fragments.
- Development and implementation of projects for cleaning the circumterrestrial outer space from "space debris".

From conceptual perspective, policy consideration on space debris tangentially touch upon additional subjects as the protection of ozon layer and geoengineering monitoring. Undoubtly, it is desirable to have clearer procedures within the existing frame to ensure the appropriate practical management of space debris. However, exposing the subject to a wider range of discussion is recommended in order to formulate a public discussion regarding the evolution

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<sup>1</sup> To be seen: Алтайский оптико-лазерный центр имени Г. С. Титова. [On-line:] <https://npk-spp.ru/zemlya/aolc/> (Vizited 01.02.2024).

<sup>2</sup> To be seen: Оптико-электронный комплекс «Окно». [On-line:] <https://vpk.name/library/f/okno-oe.html> (Vizited 01.02.2024).

<sup>3</sup> International Astronautical Federation (IAF). [On-line:] <https://www.iafastro.org/> (Vizited 01.02.2024).

<sup>4</sup> Committee on Space Research of the International Council of Scientific Unions (COSPAR). [On-line:] <https://cosparhq.cnes.fr/> (Vizited 01.02.2024).

<sup>5</sup> The International Telecommunication Union (ITU). [On-line:] <https://www.itu.int/en/Pages/default.aspx> (Vizited 01.02.2024).

<sup>6</sup> International Institute of Space Law (IISL). [On-line:] <https://iisl.space> (Vizited 01.02.2024).

<sup>7</sup> Inter-Agency Space Debris Coordination Committee (IADC). [On-line:] <https://www.unoosa.org/oosa/en/ourwork/copuos/index.html> (Vizited 01.02.2024).

<sup>8</sup> UN Committee on the Peaceful Uses of Outer Space (STCS UN COPUOS). [On-line:] <https://www.unoosa.org/oosa/en/ourwork/copuos/index.html> (Vizited 01.02.2024).

<sup>9</sup> Inter-Agency Space Debris Coordination Committee (IADC). [On-line:] <https://www.unoosa.org/oosa/en/ourwork/copuos/index.html> (Vizited 01.02.2024).

of space technology management, which could lead in more space debris (as quantity) or with a more efficient approach (as quality).

Regrettably, international cooperation in this area has come to a standstill in the last two years due to the Russian-Ukrainian conflict.

### **The institution of liability in International law of outer space**

The legal regime of liability in law of outer space is dual in nature, absolute liability and liability for fault. Thus, for damage occurring on Earth or on an aircraft in flight, the liability of the launching state is absolute. However, if the damage occurs outside the Earth's surface, in a space object launched by another State, or to persons or property on board, the launching State is liable only for damage caused by its own fault, or that of the persons responsible<sup>1</sup>.

Ambivalent liability applies both where the launch is carried out by a single State and where the launch is carried out by several States, in which case the latter are jointly and severally liable. As regards claims for compensation for damage, the Convention provides that they are to be submitted through diplomatic channels. By extending the responsibility of States for protecting victims of the effects of space activities, it can be said that the area of diplomatic protection takes on a new dimension<sup>2</sup>.

The institution of liability in space law will need to be developed and updated, as the subjects carrying out space activities have expanded to include private companies, non-governmental organisations, even individuals. Lately, given the involvement of other fields such as transport, trade and tourism in space activities, liability for damage caused by these activities can be addressed as both civil and criminal liability<sup>3</sup>.

Article VII of the 1967 Outer Space Treaty provides that States are internationally responsible for damage caused to another State or to natural or legal persons by objects launched into outer space by them or by their component parts, whether such damage occurs on the ground, in the air or in outer space<sup>4</sup>.

The 1972 Convention on International Liability lays down detailed rules on liability for damage caused by objects launched into outer space<sup>5</sup>. In particular, the Convention introduces absolute strict liability of the launching State for damage caused by its space object on the ground or to aircraft in flight and fault-based liability for damage caused anywhere other than on the ground to a space object of a launching State or to persons or property on board a space object by a space object of another launching State<sup>6</sup>.

In the context of studying the issue of liability for damage caused on the territory of another state, we mention the case of the Soviet satellite "Cosmos-954", which in 1978 disintegrated in space and parts of it (radioactive debris) fell on Canadian territory. The case was settled amicably in a diplomatic framework and the former USSR paid compensation to Canada of 3 million Canadian dollars for the damage caused in connection with the

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<sup>1</sup> To be seen: Convenția din 29 martie 1972 cu privire la răspunderea internațională pentru daunele cauzate de obiecte lansate în spațiul extraatmosferic. Publicat în Buletinul Oficial, Nr. 4 din 5 ianuarie 1980. [On-line:] <http://www.monitoruljuridic.ro/act/conventie-din-29-martie-1972-cu-privire-la-raspunderea-internationala-pentru-daunele-cauzate-de-obiecte-lansate-in-spatiul-extraatmosferic-emitent-consiliul-de-stat-30815.html> (Vizited 01.02.2024).

<sup>2</sup> To be seen: Neagu Corina. Evoluția cadrului juridic al activităților spațiale, cu privire specială la teledetecția prin sateliți. Teză de doctorat, Rezumat. Universitatea din București, Facultatea de drept, București, 2009. - 48 p. // [On-line:] <http://www.unibuc.ro/studies/Doctorate2009Noiembrie/Neagu%20Corina%20-%20Evoluția%20Cadrului%20Juridic%20al%20Activităților%20Spatiale%20cu%20Privire%20Specială%20la%20Teledetecția%20prin%20Sateliți/Teza%20doctorat%20-%20Rezumat.pdf>. (Vizited 01.02.2024).

<sup>3</sup> Ibid.

<sup>4</sup> To be seen: Dumitra Popescu, Răspunderea internațională în domeniul dreptului extraatmosferic, în „Studii de drept românesc”, nr. 3, 1996, p. 217-224.

<sup>5</sup> To be seen: Международное космическое право. Отв.ред. Г.П. Жуков, Ю.М. Колосов. – Москва, «Международные отношения», 1999. – 360 с.

<sup>6</sup> Cocca A.A.: *Consolidacion del Derecho Espacial*, Astrea, Buenos Aires, 1971; Ferrer M.A., *Derecho Espacial*, Plus Ultra, Buenos Aires, 1976.

investigation to find the remains of the satellite, as well as for the decontamination of the area<sup>1</sup>.

It should be noted that the content of the Canadian-Soviet negotiations for the settlement of this case has not been made public, but in the literature the discussion of the Cosmos-954 accident has focused on two issues: 1) whether or not the causal damage, since it was caused by radioactive debris, falls under Art. 2) whether the case was settled on the basis of the Liability Convention or the 1967 Outer Space Treaty or on the basis of general principles of international law. Both negative and positive opinions were expressed on both issues. One of the positive opinions states that there can be no doubt about the applicability of the Convention to the resolution of the Soviet-Canadian incident<sup>2</sup>.

The soaring amounts of "cosmic debris" and the danger that this debris poses to space activity as well as to the Earth and other celestial bodies, require new international legislation that would oblige states to comply with the Principle of Prohibition of Contamination of the Cosmos and Harmful Changes to the Earth's Environment<sup>3</sup>. In accordance with this principle of international cosmic law, States are obliged to avoid in their cosmic activities harmful contamination of outer space and other celestial bodies and harmful changes in the terrestrial environment as a result of the introduction of extraterrestrial substances (Article IX of the 1967 Outer Space Treaty)<sup>4</sup>.

In 2007, the UN General Assembly adopted the Principles Governing Action to Prevent the Creation of "Space Debris" calling on all states to abide by these principles<sup>5</sup>.

### Ecology and "space debris"

It is believed that space debris does not fall to Earth, but this is not entirely true. Large spent satellites and cargo ships on Earth have their own graveyard in the Pacific Ocean, where they are buried because they do not burn up in the atmosphere. This place is located in the South Pacific Ocean near Nemo Point<sup>6</sup>, the farthest place on Earth from land. No ships are allowed to fly or pass over this place. At the same time, it turns the problem of space debris into a problem of terrestrial debris. Between 1971 and 2016, at least 260 spacecraft were buried there.

Astrophysicists now face the challenge of how to get rid of debris in the geostationary orbit or Clark Belt. It is located directly above the Earth's equator at a distance of 35,786 kilometers. This orbit is very attractive for launching satellites, as it requires less fuel and covers much more of the Earth's surface than other orbits. However, the number of standing points for satellites in geostationary orbit is limited - there are about 180 of them. In addition

<sup>1</sup> Burian Alexandru. Drept internațional cosmic (spațial). În: *Drept Internațional public, Ed. a 4-a (revăz. și adăugită)*. Red.-coord.: A. BURIAN. Ch.: S. n., 2012 (Tipogr. "Elena-V.I." SRL). – 636 p. (p. 393-407). ISBN 978-9975-106-99-3.

<sup>2</sup> Ibid.

<sup>3</sup> To be seen: Резолюция Генеральной Ассамблеи ООН от 13 декабря 1963 г. N 1962 (XVIII) "Декларация правовых принципов, регулирующих деятельность государств по исследованию и использованию космического пространства". [On-line:] [http://www.un.org/ru/documents/decl\\_conv/declarations/outerspace\\_principles.shtml](http://www.un.org/ru/documents/decl_conv/declarations/outerspace_principles.shtml) (Vizited 01.02.2024).

<sup>4</sup> Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, 27 January 1967. [On-line:] <http://www.state.gov/www/global/arms/treaties/space1.html> (Vizited 01.02.2024).

<sup>5</sup> To be seen: «Руководящие принципы Комитета по использованию космического пространства в мирных целях Организации Объединённых Наций по предупреждению образования космического мусора». Утверждены резолюцией Генеральной Ассамблеи ООН №A/RES/62/217, опубликованной 1 февраля 2008 г. [On-line:] [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/62/217&referer=http://www.un.org/en/ga/62/resolutions.shtml&Lang=R](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/62/217&referer=http://www.un.org/en/ga/62/resolutions.shtml&Lang=R) (Vizited 01.02.2024).

<sup>6</sup> To be seen: Где находится «полюс недоступности» - точка Немо, и почему она самая чистая и самая грязная одновременно. // <https://dzen.ru/a/XxHJzDWaYV5Dt6uq> (Vizited 01.02.2024).



to cleaning up the geostationary orbit, removing space debris in the vicinity of the ISS is important because the station is expensive and very vulnerable.

According to the Federal Communications Commission (FCC) website, in October 2023, US authorities fined the Dish television company \$150,000 for moving its satellite to a lower orbit than agreed (120 km instead of the declared 300 km). The EchoStar-7 satellite had been in orbit since 2002, when it reached the end of its useful life, the company nailed it down and abandoned it where it ran out of fuel. This is the first ever fine issued to a company for failing to clean up space debris<sup>1</sup>.

Geoengineering is another subject that receives attention in the scientific discussions that intersects ecology and space. Starting from the premise of adjusting the terrestrial habitat to the global warming by creating, a premise which can be separately debated, various scientists proposed to introduce in the space, a mean to reflect the sunlight back into the cosmos, filtering the amount of sunlight enters in the atmosphere. Geoengineering in itself represents a large-scale manipulation of the space environment that aims to reduce the consequences of premused anthropogenic climate change<sup>2</sup>. One can disagree that geoengineering can be attributed to the study of cosmic phenomena, as the etymology of the term represents a contraction from „*geotechnical engineering*” – the science that studies the application of geology through the prism of engineering, prefix „*geo-*” originated from the Greek root „*ge*” meaning „*Earth*”<sup>3</sup>. Nevertheless, unlike industrial carbon mitigation, geengineering extends itself to a deliberate planetary management. Here, two conceptual nuances must be highlighted: (a) geoengineering implies active human intervention to counterbalance the effect of another mean of human activity as declared in the premise of its development, (b) geoengineering implies selecting the option of blocking a natural factor (sunlight) in response to a human-induced cause (anthropogenic argument).

There are several types of approaches that embody categories of geoengineering technologies, which are mainly divided as: solar radiation management (SRM) and carbon dioxide removal (CDR)<sup>4</sup>. While CDR targets greenhouse gas emissions (GHG), SRM proposes to reduce radiative force of the sun to decrease the amount of energy absorbed in the atmosphere (marine cloud brightening (MCB), stratospheric aerosol injection (SAI), space-based techniques). While SAI implies injection in the atmosphere of immense quantities of aerosols as sulphur dioxide, oxidized light-scattering sulphate and others, the space-based techniques represent large-scale technical projects that, although yet theoretical, imply the launch of solid objects in the atmosphere. In this context, the development of space-based techniques as part of SRM proposed in geoengineering projects, challenges in a direct manner our research question on space debris.

Some scientists have stated that a gigantic shield of mirrors installed in the space between Sun and Earth could hinder the solar radiation and lower temperatures on the surface of the Earth<sup>5</sup>. Aluminium particles in the satellite-generated space debris act by themselves as a shield from sunlight, reflecting the radiation back out into space, reducing the overall amount of sunlight that reaches the surface of the Earth<sup>6</sup>. Although the SRM approach is yet visionary and theoretical, it gains more attention in both political and academic circles. In UNEP report

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<sup>1</sup> To be seen: Впервые в истории компании выписали штраф за космический мусор. // <https://habr.com/ru/news/765836/> (Visited 01.02.2024).

<sup>2</sup> Keith, D. W. Geoengineering the climate. In: *The Ethics of Nanotechnology, Geoengineering and Clean Energy*, 2020, pp.207-246.

<sup>3</sup> Ibid.

<sup>4</sup> Heyward Clare. Situating and abandoning geoengineering: a typology of five responses to dangerous climate change. In: *Political Science and Politics*, 2013, 46.1:23-27.

<sup>5</sup> To be seen: A sun shield over Earth? Catch an Asteroid, and it might work. [On-line:] <https://www.scientificamerican.com/article/a-sun-shield-over-earth-catch-an-asteroid-and-it-might-work/> (visited 21.04.2024)

<sup>6</sup> Ratliff Laura. Space Debris Reentry: Inadvertent Geoengineering, 2022. [On-line:] <https://bpb-us-e1.wpmucdn.com/blogs.gwu.edu/dist/7/314/files/2019/08/Ratliff-Debris-Reentry-Final-reformat.pdf> (Visited 01.02.2024).

on Atmosphere from february 2023, SRM is already presented as „the only option that could cool the planet within years”<sup>1</sup> and the academic literature holds sufficient analyses on the topic as the calculations upon the optimal sunshade configurations of space-based geoengineering near Lagrange point (a position in space between Sun and Earth where gravitational forces produce regions of attraction and repulsion and allow spacecrafts reduce their fuel consumption necessary for position maintainance)<sup>2</sup>. The idea of proposing lightweight mirrors on satellites is not new, such hypothesis was brought to open scientific correspondence in 1989<sup>3</sup>.

Examining the scientific correctness that fundamentals the rationale of such interventions (global warming) exceeds the scope of this study, nevertheless, it might be appropriate to point that even in such discussions, we can find seemingly contradicting statements in the scientific literature. From one side, can be found conclusions that predict „an accelerated surface temperature warming in this decade”<sup>4</sup>, and from another, researchers state that the Sun has entered a new proxy-magnetic field which might lead „to a noticeable reduction of terrestrial temperature”<sup>5</sup>. We still have an underdeveloped understanding upon the mechanism of solar dynamics<sup>6</sup>, yet researching solar activity can be fairly prioritized if solar radiation is the factor that consolidates the human efforts for development and deployment of space-base technologies.

There are two important nuances regarding the initiatives for space-base technologies deployment: whether the counterweight used is (a) a set of new objects launched in space (which would increase the concentration of „space debris”), either it is (b) an object already floating in the air as space debris (which highlights the importance of strenghtening a legal framework for management of space debris). In the first scenario, the amount of space debris accumulation would generate high-risks for future uncontrolled Earth collisions, which correspondingly can only sharpen the disagreement over the matter of international community. In the second scenario, consolidation of a common international understanding upon the principles and procedure for the re-use or re-cycling of the existing debris in space, oriented at ensuring the interest of small states included, is a mandatory condition for future development of International Law.

## Conclusions

We believe that cosmic debris presents a growing danger to the international community and that it is necessary to broaden cooperation in this area, regardless of the disagreements between states on various issues that exist at the moment. The US, Russia, China, Japan, India and the European Union, which are the "leading space powers" at the moment, need to join forces to tackle the problem of space debris. Additionally, these international discussions must

<sup>1</sup> UNEP report. One Atmosphere: An Independent Expert Review on Solar Radiation Modification Research and Deployment. February, 2023. [On-line:] <https://wedocs.unep.org/handle/20.500.11822/41903> (Visited 21.04.2024)

<sup>2</sup> Sánchez J-P, McInnes CR (2015) Optimal Sunshade Configurations for Space-Based Geoengineering near the Sun-Earth L<sub>1</sub> Point. PLoS ONE 10(8): e0136648. [On-line:] <https://doi.org/10.1371/journal.pone.0136648> (Visited 01.02.2024).

<sup>3</sup> Seifritz, W. Mirrors to halt global warming? Nature, 1989. No. 340, 603. [On-line:] <https://doi.org/10.1038/340603a0> (Visited 01.02.2024).

<sup>4</sup> Hodnebrog, Ø., Myhre, G., Jouan, C. *et al.* Recent reductions in aerosol emissions have increased Earth's energy imbalance. *Commun Earth Environ* 5, 166 (2024). [On-line:] <https://doi.org/10.1038/s43247-024-01324-8> (Visited 01.02.2024).

<sup>5</sup> Zharkova, V. (2020). Modern Grand Solar Minimum will lead to terrestrial cooling. *Temperature*, 7(3), 217-222.

<sup>6</sup> Miyahara, H., Tokanai, F., Moriya, T. *et al.* Gradual onset of the Maunder Minimum revealed by high-precision carbon-14 analyses. *Sci Rep* 11, 5482 (2021). [On-line:] <https://doi.org/10.1038/s41598-021-84830-5> (Visited 01.02.2024).

draw a parallel to geoengineering research and development, with the purpose to analyse, monitor and reduce the consequences of from implementation of geoengineering projects.

At this stage it is necessary to conclude a multilateral agreement on the liability of states for damage caused by space debris and we support the idea that this agreement should be perfected as an additional protocol to the Convention of 29 March 1972 on International Liability for Damage Caused by Objects Launched into Outer Space.

At semantic debate, these distinctions are not of little relevance. The issue of solar dynamics will pose delicate questions in future if addressed incorrectly. For example, if the hypothesis that the sun enters a period of reduced solar activity is proven while current policy documents interpret the climate data as warming and manage to canalize the geoengineering efforts into blocking the solar sunrays, the result might not only lead to a decrease of vegetation due to double factor of radiation reduction, but also launch reverberations of economic, geopolitical and serious social issues that can disturb previous systems established for the mangement space debris, causing situation of debris collisions on Earth incongruent for the technological advancement of the future.

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<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.01>





Revista Moldovenească de Drept Internațional și Relații Internaționale /  
Moldavian Journal of International Law and International Relations /  
Молдавский журнал международного права и международных отношений

2024, Issue 2, Volume 19, Pages 25-33.

ISSN 1857-1999 EISSN 2345-1963

Submitted: 02.03.2024 | Reviewed: 12.05.2024 | Accepted: 20.05.2024 | Published: 15.07.2024

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.02>

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

**ROLUL ORGANIZAȚIILOR INTERNAȚIONALE ÎN RECUNOAȘTEREA  
FORMAȚIUNILOR STATALE AUTOPROCLAMATE**

**THE ROLE OF INTERNATIONAL ORGANISATIONS IN THE RECOGNITION OF  
SELF-PROCLAIMED STATE FORMATIONS**

**РОЛЬ МЕЖДУНАРОДНЫХ ОРГАНИЗАЦИЙ В ПРИЗНАНИИ  
САМОПРОВОЗГЛАШЕННЫХ ГОСУДАРСТВЕННЫХ ОБРАЗОВАНИЙ**

CAZACU Doina\* / CAZACU Doina / КАЗАКУ Дойна  
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ABSTRACT:

**THE ROLE OF INTERNATIONAL ORGANISATIONS IN THE RECOGNITION  
OF SELF-PROCLAIMED STATE FORMATIONS**

*International organizations play a crucial role in the recognition of self-proclaimed state formations, but this recognition can be a complicated and controversial process. This scientific endeavor aims to analyze the concept of collective recognition. In this context, the recognition of a self-proclaimed state formation can be seen as an expression of respect for self-determination or as a violation of the principle of territorial integrity. The decision of an international organization to grant a state full membership status establishes de facto recognition and legitimizes it as an actor on the international stage. The normative competences and geopolitical interests that form the basis for international organizations in recognizing self-proclaimed state formations can vary depending on the specific context of each case.*

**Keywords:** *international organization, recognition, self-proclaimed state formations, statehood, sovereignty.*

**JEL Classification:** K33

**Universal Decimal Classification:** 341.1; 341.7/.8

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.02>

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**RMDIRI**, 2024, Nr. 2 (Vol. 19) <https://rmdir.md/> ; <https://www.usem.md/md/p/rmdir>

РЕЗУМАТ:  
ROLUL ORGANIZAȚIILOR INTERNAȚIONALE ÎN RECUNOAȘTEREA  
FORMAȚIUNILOR STATALE AUTOPROCLAMATE

*Organizațiile internaționale joacă un rol crucial în recunoașterea formațiunilor statale autoproclamate, dar această recunoaștere poate fi un proces complicat și controversat. Prezentul demers științific își propune să analizeze conceptul de recunoaștere colectivă. Recunoașterea unei formațiuni statale autoproclamate poate fi văzută în acest context, ca o expresie a respectului pentru autodeterminare sau ca o încălcare a principiului integrității teritoriale. Decizia unei organizații internaționale de a oferi unei entități statutul de membru cu drepturi depline, îi stabilește acestuia o recunoaștere de facto și îl legitimează drept actor pe arena internațională. Competențele normative și interesele geopolitice care servesc drept fundament pentru organizațiile internaționale în vederea recunoașterii formațiunilor statale autoproclamate pot varia în funcție de contextul specific al fiecărui caz.*

**Cuvinte cheie:** organizație internațională, recunoaștere, formațiuni statale autoproclamate, statalitate, suveranitate.

**JEL Classification:** K33

**CZU:** 341.1; 341.7/.8

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.02>

РЕЗЮМЕ:  
РОЛЬ МЕЖДУНАРОДНЫХ ОРГАНИЗАЦИЙ В ПРИЗНАНИИ  
САМОПРОВОЗГЛАШЕННЫХ ГОСУДАРСТВЕННЫХ ОБРАЗОВАНИЙ

*Международные организации играют важную роль в признании самопровозглашенных государственных образований, но это признание может быть сложным и противоречивым процессом. Данное научное исследование направлено на анализ концепции коллективного признания. В этом контексте признание самопровозглашенного государственного образования может рассматриваться как выражение уважения к самоопределению или как нарушение принципа территориальной целостности. Решение международной организации о предоставлении государству статуса полноправного члена устанавливает де-факто признание и легитимизирует его как актера на международной арене. Нормативные компетенции и геополитические интересы, лежащие в основе международных организаций при признании самопровозглашенных государственных образований, могут варьироваться в зависимости от конкретного контекста каждого случая.*

**Ключевые слова:** международная организация, признание, самопровозглашенные государственные образования, государственность, суверенитет.

**JEL Classification:** K33

**УДК:** 341.1; 341.7/.8

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.02>

### Introducere

Recunoașterea unui stat nou pe scena internațională – cu capacitatea de a dobândi drepturi și obligații internaționale, este una subordonată controverselor și unui cadru normativ riguros. Actul de recunoaștere se evidențiază prin unilateralitatea acestuia, având, în zilele noastre, un caracter declarativ mai mult, decât constitutiv. Subiectul formațiunilor statale autoproclamate trezește mai mult interes în a doua jumătate a secolului al XX-lea, marcată de sfârșitul celui de-al doilea Război Mondial, începutul Războiului Rece, lupta împotriva colonialismului, destrămarea Uniunii Sovietice și (re)apariția spiritului de „eliberare” a acelor formațiuni statale care se autoidentifică drept state independente.

În ultimele decenii, organizațiile internaționale au devenit tot mai prezente în peisajul geopolitic global, iar numărul acestora, cât și varietatea de domenii pe care le acoperă, au

crescut semnificativ. În epoca contemporană, organizațiile internaționale reprezintă o formă de armonizare a eforturilor statelor în cadrul unei colaborări internaționale pentru realizarea căreia statele au creat un cadru juridico-organizatoric (instituțional) – organizare cu caracter permanent<sup>1</sup>.

Organizațiile internaționale posedă anumite caracteristici definitorii care le diferențiază de alți subiecți de drept internațional. În primul rând, membrii acestora sunt statele suverane, iar începutul activității acestora este marcat de semnarea unui tratat bilateral sau multilateral dintre state prin care acestea din urmă își exprimă liberul acord de voință de a se afilia la activitatea organizațiilor și de a contribui la atingerea scopurilor prin efort comun. Procesul prin care un stat aderă la o organizație internațională, consolidează poziția statului pe arena internațională și poate facilita relațiile diplomatice și cooperarea cu alte state și organizații.

### **Aspecte teoretico-practice referitoare la impactul organizațiilor internaționale asupra procesului de recunoaștere a formațiunilor statale autoprocimate**

Sistemul subiecților de drept internațional cuprinde, în afară de state, națiunile care luptă pentru eliberare națională, organizațiile internaționale, determinate ca atare prin acordul statelor membre, și alte formațiuni de tip statal cum ar fi, de exemplu, Vaticanul,<sup>2</sup>. Deci, ne punem întrebarea care este locul și rolul formațiunilor statale autoprocimate în cadrul sistemului dreptului internațional public? În general, entitățile nerecunoscute (autoprocimate) reprezintă denumirea comună pentru regiunile care și-au „proclamat” suveranitatea și dețin caracteristici ale statalității, cum ar fi numele, simbolurile de stat, populația, sistemul de guvernare (inclusiv conducerea, autoritățile, adesea forțele armate) și drepturile, dar în același timp nu beneficiază de recunoaștere diplomatică din partea statelor membre ale Organizației Națiunilor Unite (în continuare – ONU), iar teritoriul lor, în general, este considerat de către statele membre ONU ca fiind sub suveranitatea altui stat, deseori, sau sub suveranitatea mai multor state membre ONU.<sup>3</sup> Entitățile nerecunoscute sunt teritorii care, prin fragmentare statală, au obținut autonomie *de facto* față de statul „părinte”, dar nu au reușit să obțină recunoaștere legală din partea comunității internaționale, acesta poate fi numit o entitate statală lipsită de subiectivitate juridică internațională, chiar dacă deține toate celelalte caracteristici ale statalității. În cadrul Convenției de la Montevideo în vigoare din 1933 sunt evidențiate criteriile istoric stabilite ale recunoașterii internaționale statale. În conformitate cu articolul 1 al convenției, entitatea este considerată un stat dacă posedă următoarele calificări:

1. o populație permanentă;
2. un teritoriu definit;
3. un guvern;
4. capacitatea de a intra în relații cu alte state.<sup>4</sup>

Un subiect mai puțin investigat este cum apartenența unui stat la o organizație internațională universală sau regională modelează politicile și practicile de recunoaștere ale statelor. În timp ce recunoașterea internațională este o prerogativă exclusivă a statelor suverane, organizațiile internaționale și regionale joacă un rol semnificativ în acest proces, ceea ce reflectă impactul acestora precum și capacitatea lor în continua evoluție a politicii recunoașterii internaționale.

Calitatea de membru a unui stat în organizațiile internaționale reprezintă un interes fundamental în legitimarea sa ca stat în arena internațională. Diplomatul și profesorul de drept internațional, Shabtai Rossene afirmă că acordul de acceptare a unei entități în cadrul ONU, fie prin vot, fie prin consens, este o formă de recunoaștere a statului și a guvernului său de către cei care au favorizat admiterea acestuia. Astăzi, aderarea la ONU este în practică ultimul pas în planul internațional de înființare a unui nou stat, cu excepția cazurilor rare în care noul

<sup>1</sup>Buruian A., Balan O., et al., *Drept Internațional Public*, Chișinău, 2021, p. 135

<sup>2</sup>Ibidem, pag. 113

<sup>3</sup>Budaraghina L. V. *Statutul statelor nerecunoscute*, Moscova, 2016, pag. 46

<sup>4</sup>Convenția de la Montevideo privind drepturile și obligațiile statelor din 1933

Disponibil:<https://www.ilsa.org/Jessup/Jessup15/Montevideo%20Convention.pdf> [Accesat: 21.03.2024]

stat nu dorește să devină membru ONU<sup>1</sup>. După cum am abordat și anterior, calitatea de membru deplin în organizațiile internaționale este deschisă doar statelor. Astfel, conform art. 4 al Cartei Națiunilor Unite: „Pot deveni Membri ai Națiunilor Unite toate celelalte State iubitoare de pace care acceptă obligațiile din prezenta Carta și care, după aprecierea Organizației, sunt capabile și dispuse să le îndeplinească. Admiterea ca Membru al Națiunilor Unite a oricărui Stat care îndeplinește aceste condiții se va face printr-o hotărâre a Adunării Generale, la recomandarea Consiliului de Securitate”<sup>2</sup>. Similar, Tratatul privind Uniunea Europeană, la art. 49, stipulează faptul că: „Orice stat european care respectă valorile prevăzute la articolul 2 și care se angajează să le promoveze poate solicita să devină membru al Uniunii”<sup>3</sup>.

Recunoașterea în cadrul dreptului internațional public este acel instrument utilizat de state pentru a-și exprima aprobarea sau dezaprobarea față de noile situații care se produc în viața internațională<sup>4</sup>. Doctrina stabilește că recunoașterea poate fi expresă sau tacită, recunoaștere de jure sau de facto. Atât timp cât recunoașterea de facto este considerată una incompletă, constituind o etapă premergătoare pentru recunoașterea de jure, aceasta din urmă, însă, este una definitivă și irevocabilă, atribuind personalitate juridică noului stat recunoscut. Au existat tentative precoce ale mai multor state membre ONU de a delega dreptul lor de recunoaștere către organele ONU, în scopul de a reglementa și centraliza procesul de recunoaștere. Hersch Lauterpacht, un jurist britanic și specialist în drept internațional, a argumentat că coordonarea colectivă a recunoașterii statale ar evita interpretările controversate și unilaterale ale principiilor și regulilor care dictează recunoașterea statelor și ar consolida ordinea legală globală<sup>5</sup>. Conform acestuia, recunoașterea colectivă ar rezolva problema recunoașterii de facto și astfel ar evita controversarea statelor, ar elimina dilemele dintre statele unde există revendicări rivale și ar depăși dificultatea de a forma un verdict cu privire la voința de acțiune a statelor.

Într-o altă opinie, John Dugart, în lucrarea *”Secesiunea statelor și recunoașterea acestora în urma evenimentelor din Kosovo”*, pledează pentru elaborarea unor prevederi normative care ar permite organizațiilor internaționale să ajungă la decizii echitabile cu privire la statalitatea entităților care se află într-un proces de secesiune într-un cadru legal coerent<sup>6</sup>. Cu toate acestea, un regim centralizat și reglementat pentru luarea deciziilor privind recunoașterea nu a găsit niciodată mult sprijin printre state și este general acceptat că practicile naționale susținute de state vor fi de importanță primordială atunci când vine vorba de mecanismele și procedurile de recunoaștere.

În mod tradițional, prerogativa recunoașterii statelor noi este acordată de statele suverane existente, dar odată cu creșterea numărului și influențelor organizațiilor regionale și a organizațiilor supranaționale (precum este Uniunea Europeană), apar noi practici de recunoaștere ale statelor care oferă noi motive de înțelegere a naturii schimbătoare a recunoașterii statale<sup>7</sup>. Admiterea în organizațiile internaționale, de exemplu, reprezintă o formă de reglementare. Este larg acceptat că „admiterea ca membru cu drepturi depline în cadrul ONU echivalează cu o recunoaștere colectivă *de jure* care are șanse să faciliteze

<sup>1</sup>Rosenne Shabtai, *Perplexitățile dreptului internațional modern*, Leiden – Boston, 2004, pag. 246

<sup>2</sup>Carta Națiunilor Unite din 26 iunie 1945. Disponibilă: [http://www.anr.gov.ro/docs/legislatie/internationala/Carta\\_Organizatiei\\_Natiunilor\\_Unite\\_ONU\\_.pdf](http://www.anr.gov.ro/docs/legislatie/internationala/Carta_Organizatiei_Natiunilor_Unite_ONU_.pdf) [Accesat: 21.03.2024], pag.3

<sup>3</sup>Tratatul Privind Uniunea Europeană (Versiune Consolidată), 26.10.2012 Jurnalul Oficial al Uniunii Europene Disponibil: [https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506fd71826e6da6.0001.02/DOC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506fd71826e6da6.0001.02/DOC_1&format=PDF) [Accesat: 21.03.2024]

<sup>4</sup>Buruian A., Balan O., op.cit., 2021, pag. 126

<sup>5</sup>Hersch Lauterpacht. *Recunoașterea în Dreptul Internațional*, Cambridge, At The University Press.1947, pag.168

<sup>6</sup>John Dugart. *Secesiunea statelor și recunoașterea acestora în urma evenimentelor din Kosovo*, Academia de Drept Internațional de la Haga, Editura Ail-Pocket, 2013, pag. 33

<sup>7</sup>ibidem,2013, pag. 35

intrarea noului stat în alte organizații multilaterale”<sup>1</sup>.

Din ce în ce mai mult, organizațiile regionale, ca entități distincte în politica mondială, demonstrează nu numai capacitatea de a coordona acțiunile statelor membre, inclusiv când și cum să recunoască statele, dar și de a lua decizii care au consecințe legale și politice. Uniunea Europeană este un model cheie pentru aceasta, deoarece în ultimele două decenii a încercat să consolideze o poziție comună în problemele externe și de securitate. Alte organizații regionale, cum ar fi Organizația Statelor Americii (OSA), Organizația Tratatului Atlanticului de Nord (NATO), Uniunea Africană (UA) au și ele implicări în ceea ce privește recunoașterea statului, în mare parte prin clarificarea caracterului discret al recunoașterii și modelarea deciziilor membrilor lor cu privire la momentul acordării sau refuzului de recunoaștere.

### **Organizațiile internaționale și cazul Palestinei**

Considerăm necesar să menționăm importanța juridico-practică a Pactului Ligii Statelor Arabe prin care s-a realizat recunoașterea directă a Palestinei de către Statele Arabe care sunt parte la Ligă, ceea ce face ca acest mod de recunoaștere să fie un instrument legal specific în relație cu alți actori internaționali. Pactul, în Anexa sa referitoare la Palestina, afirmă că: „existența și independența Palestinei între națiuni nu poate fi contestată de jure, la fel ca independența oricărui alt stat arab”<sup>2</sup>. Prin urmare, statele semnatare ale Pactului Ligii Statelor Arabe consideră că, având în vedere circumstanțele speciale ale Palestinei, Consiliul Ligii ar trebui să numească un delegat arab din Palestina pentru a participa la activitatea sa până când această țară se bucură de o independență reală. Recunoașterea statului Palestina de către Statele Arabe, prin intermediul Pactului Ligii Statelor Arabe, evidențiază o evoluție semnificativă în ceea ce privește sprijinul diplomatic și juridic acordat cauzei palestinienilor în cadrul comunității internaționale.

Putem considera acest pact o pârgie legală importantă, care conferă un statut special Palestinei în rândul statelor arabe și legitimează existența și independența acesteia, consolidându-i poziția juridică în cadrul organizațiilor internaționale, iar afirmația din Pact conform căreia „existența și independența Palestinei între națiuni nu poate fi contestată de jure” subliniază recunoașterea internațională a dreptului suveran al poporului palestinian. Cu atât mai mult, propunerea ca Consiliul Ligii Statelor Arabe să numească un delegat arab din Palestina pentru a participa la activitatea sa până la obținerea independenței reale subliniază dorința de a asigura reprezentarea și participarea Palestinei în cadrul deciziilor și acțiunilor Ligii. Putem considera această formă de recunoaștere din partea statelor arabe ca o reflecție a solidarității regionale, iar numirea unui delegat arată intenția de a asigura implicarea Palestinei în problemele și deciziile care le privesc.

În cadrul Organizației Națiunilor Unite, Palestina are calitatea de „observator permanent”<sup>3</sup>, beneficiind de statutul care îi permite să participe la toate lucrările ONU, cu excepția votării proiectelor de rezoluții și decizii în principalele sale organe și instituții, de la Consiliul de Securitate la Adunarea Generală. și cele șase comitete principale ale sale.

Într-un interviu din 12 aprilie 2024, Charles Michel, președintele Consiliului European, a menționat despre „coordonarea la nivelul UE” între statele membre care sunt pregătite să recunoască în mod oficial un stat palestinian suveran<sup>4</sup>. Această inițiativă care a câștigat teren după ce Spania, Irlanda, Slovenia și Malta au aprobat-o luna martie 2024. Nouă state membre ale UE recunosc deja în mod oficial dreptul palestinienilor la statutul de stat, printre care

<sup>1</sup>Deon Geldenhuys. Statele Contestate în lumea politică, Basingstoke, Editura Palgrave Macmillan UK, 2009, pag.22

<sup>2</sup>Pactul Ligii Statelor Arabe semnat la Cairo din 22 Martie 1945, Anexa despre Palestina Disponibil : [https://avalon.law.yale.edu/20th\\_century/arableag.asp](https://avalon.law.yale.edu/20th_century/arableag.asp) [Accesat: 21.03.2024]

<sup>3</sup>Palestine's status at the UN explained, Disponibil: <https://news.un.org/en/story/2024/04/1148351>, [Accesat: 21.04.2024]

<sup>4</sup>Comunicat, Charles Michel, Disponibil: <https://www.euronews.com/my-europe/2024/04/12/like-minded-eu-countries-should-move-together-to-recognise-state-of-palestine-charles-mich>,

Bulgaria, Republica Cehă, România și Suedia<sup>1</sup>. În luna mai 2024 și Spania, Irlanda și Norvegia au recunoscut formal Palestina drept stat, în sensul dreptului internațional public<sup>2</sup>.

### Organizațiile internaționale și cazul Kosovo

În cazul Kosovo, la fel putem aborda implicația și influența organizațiilor internaționale în procesul recunoașterii. După declarația sa de independență din 17 februarie 2008<sup>3</sup>, Kosovo pretindea recunoașterea internațională ca stat suveran și independent. Cu toate acestea, recunoașterea internațională a Kosovo a fost un subiect controversat și a stârnit reacții diferite din partea comunității internaționale. Pe de o parte, un număr semnificativ de țări au recunoscut Kosovo ca stat independent, inclusiv Statele Unite ale Americii, majoritatea statelor membre ale Uniunii Europene și multe alte țări din întreaga lume. Această recunoaștere a fost în principal bazată pe argumentul că poporul kosovar a avut dreptul la autodeterminare și că independența Kosovo a fost rezultatul unor procese democratice și negocieri internaționale. Pe de altă parte, alte state nu au recunoscut independența Kosovo, inclusiv Serbia, Rusia, care argumentează că prin declarația de independență a Kosovo s-a încălcat principiul suveranității și integrității teritoriale a Serbiei. De asemenea, unele state sunt reticente să recunoască Kosovo din motive politice, referitoare la temerile lor legate de precedentul pe care ar putea să-l stabilească recunoașterea unei regiuni separatiste.<sup>4</sup>

Un rol important în cazul Kosovo l-a avut ONU, care prin Rezoluția 63-/3 din 2008<sup>5</sup>, Adunarea Generală a ONU a solicitat un aviz consultativ Curții Internaționale de Justiție (în continuare –CIJ) privind declarația de independență a Kosovo. Astfel că, CIJ a menționat expres că „Declarația de independență a Kosovo nu a violat dreptul internațional”<sup>6</sup>

În acest caz, menționăm și Organizația Cooperării Islamice (în continuare – OIC) care și-a exercitat un rol deschis în procesul de recunoaștere colectivă a dreptului entității de a fi constituită ca stat independent. Astfel, în cazul Kosovo, OIC a adoptat o poziție deschisă în sprijinul independenței Republicii Kosovo. Acest fapt este confirmat de adoptarea Rezoluției privind Situația din Kosovo emisă în cadrul Ședinței Consiliului Miniștrilor de Externe desfășurată la Abidjan, Republica Coasta de Fildeș, în perioada 10-11 iulie 2017<sup>7</sup>. În argumentarea poziției sale, OIC a stipulat faptul că „luând în considerare faptul că Kosovo a fost recunoscut de 114 state, inclusiv 38 state membre ale Organizației pentru Cooperare Islamică”. În aceste circumstanțe, OIC a cerut statelor membre ale comunității „să revizuiască recunoașterea Kosovo, bazată pe dreptul lor liber și suveran și pe practica lor națională”.

### Rolul Uniunii Europene în procesul recunoașterii entităților autoproclamate

Conceptualizarea rolului UE în recunoașterea statului necesită integrarea perspectivelor legale, normative și politice, precum și o explorare a considerațiilor interne și externe care configurează practicile de recunoaștere. Tratatul de la Lisabona din 1 decembrie 2009<sup>8</sup> a

<sup>1</sup> ibidem

<sup>2</sup> The impact of recognising of Palestinian state, Disponibil: <https://www.bbc.com/news/articles/cn44j1njggjo>, [Accesat: 29.05.2024]

<sup>3</sup>Declarația de independență a Kosovo, Disponibil :<https://www.refworld.org/legal/legislation/natlegbod/2008/en/56552>, [Accesat: 20.04.2024]

<sup>4</sup> Borovci M. Rolul organizațiilor internaționale în recunoașterea și nerecunoașterea statelor în dreptul internațional, Acta Universitatis Danubius, Vol. 14, no. 2/2018, pag.150

<sup>5</sup>Rezoluția Adunării Generale a ONU nr., 63/3 din 08.10.2008, Disponibil: <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Kos%20A%20RES63%203.pdf>, [Accesat: 19.04.2024]

<sup>6</sup> Avizul consultative al Curții Internaționale de Justiție din 22.07.2010, Disponibil : <https://www.icj-cij.org/sites/default/files/case-related/141/141-20100722-ADV-01-00-FR.pdf>, Accesat: 19.04.2024]

<sup>7</sup> Rezoluția nr. 18/44 a celei de-a 44-a sesiuni a CFM, Abidjan, Republica Coasta de Fildeș, în perioada 10-11 iulie 2017 Disponibil: [https://www.oic-oci.org/subweb/cfm/44/en/docs/final/44cfm\\_res\\_pol\\_en.pdf](https://www.oic-oci.org/subweb/cfm/44/en/docs/final/44cfm_res_pol_en.pdf) [Accesat: 22.03.2024]

<sup>8</sup> Tratatul de la Lisabona de la 1 decembrie 2009, Disponibil: <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX:12007L/TXT>, [Accesat : 20.04.2024]

prevăzut un rol internațional activ pentru UE bazat pe norme legale pentru politica externă și de securitate comună a UE în a oferi o marjă mai largă pentru a atinge poziții comune și orientări privind politica externă, ceea ce oferă o bază pentru a presupune că UE în ansamblu poate forma o politică de recunoaștere a statului<sup>1</sup>.

Cu toate acestea, UE a făcut progrese în consolidarea politicii externe, de securitate și de apărare comune, organizația nu are competența legală de a recunoaște state, deoarece acest lucru rămâne drept a membrilor săi, adică al statelor suverane. Prin urmare, capacitatea UE de a forma o poziție colectivă privind recunoașterea unui stat depinde de măsura în care instituțiile sale și statele membre au reușit să genereze consens cu privire la momentul acordării sau refuzului recunoașterii colective a statelor, un proces care este condiționat de interesele naționale ale fiecărui stat în parte. În plus, elaborarea politicilor în UE este, de asemenea, schițată de statele membre puternice care fac parte din UE, bazându-se pe principiul solidarității pentru a promova probleme de importanță națională<sup>2</sup>.

Prin urmare, practicile de recunoaștere ale UE pot fi modelate de membri, în particular, sau de grupuri de state care contribuie prin sprijin pentru regiuni și țări terțe specifice. Practica UE de recunoaștere a statului este, de asemenea, conturată de considerațiile externe. Dacă un nou stat își dobândește existența prin consimțământul statului „părinte” și printr-un referendum legitim sau dimpotrivă prin acțiune unilaterală, contrar dreptului internațional, acest lucru joacă un rol important în poziția colectivă a UE privind recunoașterea statului. Decizia UE de a coordona recunoașterea noilor state depinde, așadar, de cât de mult o declarație de independență se bucură de legitimitate și legalitate internațională. Este primordială și satisfacerea criteriilor practice și normative ale stărilor din partea statelor noi aspirante inclusiv printr-o populație permanentă, teritoriu, guvern eficient și capacitatea de a intra în relații internaționale. În plus, față de aceste standarde tradiționale ale stărilor, respectul pentru dreptul internațional, neintervenția în afacerile interne ale altor state și promovarea democrației și a drepturilor omului și protecția minorităților au devenit, de asemenea, tot mai relevante. Bineînțeles, UE și statele sale membre au și interese geopolitice care joacă un rol important în conduita politicii externe, care adesea se opun și uneori marginalizează considerațiile normative.

### **Concluzii**

„Integrarea *de jure*” a statelor în comunitatea internațională este urmată de un proces complex care, în esență, completează peisajul dreptului internațional contemporan. Acest obiectiv este realizat în principal prin aderarea la organizațiile internaționale, care oferă cadrul stabil pentru dezvoltarea și consolidarea relațiilor interstatale, promovând astfel pacea și securitatea internațională. În primul rând, aderarea la organizațiile internaționale facilitează recunoașterea și acceptarea statelor pe plan global. Respectiv, acest proces nu numai că conferă o legitimitate internațională necesară, dar și permite statelor să-și stabilească poziția în comunitatea internațională, influențând și contribuind la luarea deciziilor la nivel mondial. Subliniem faptul că, conform principiilor de bază ale dreptului internațional, calitatea de membru deplin în organizațiile internaționale este rezervată exclusiv statelor. Mai mult decât atât, în cadrul procesului de aderare la organizații internaționale, se reglementează un aspect diferențiat și anume cel al recunoașterii colective și legitimității statului membru.

De asemenea, organizațiile internaționale au un rol activ în stabilirea obligațiilor reciproce între state, inclusiv în ceea ce privește recunoașterea și nerecunoașterea unor entități statale. Acest aspect devine evident în cazul Uniunii Europene, care a jucat un rol de lider în definirea regulilor și condițiilor pentru recunoașterea noilor state din spațiul ex-sovietic.

Drept consecință, organizațiile internaționale joacă un rol de reglator în contextul

<sup>1</sup>Parlamentul European, Întrebarea parlamentară nr. E-0006540/2014 din 24 octombrie 2014, Disponibil: <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2014-006540&language=EN> [Accesat : 22.03.2024]

<sup>2</sup>Christopher J. Bickerton. *Politica externă a Uniunii Europene: De la eficacitate la funcționalitate*, Basingstoke, Editura Palgrave Macmillan UK, 2011, pag. 6

internațional, cedând locul statelor suverane în recunoașterea statelor, în general, și a formațiunilor statale autoprocimate, în special. Cu siguranță că opiniile organizațiilor internaționale, exprimate prin avize sau rezoluții, au un caracter de recomandare, totuși după cortina acestora se află membrii organizațiilor internaționale - statele suverane, care pledează pentru un anumit aranjament geopolitic internațional.

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<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.02>



Revista Moldovenească de Drept Internațional și Relații Internaționale /  
Moldavian Journal of International Law and International Relations /  
Молдавский журнал международного права и международных отношений

2024, Issue 2, Volume 19, Pages 34-51.

ISSN 1857-1999 EISSN 2345-1963

Submitted: 22.06.2024 | Reviewed: 30.06.2024 | Accepted: 05.07.2024 | Published: 15.07.2024

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.03>

**RELAȚII INTERNAȚIONALE  
INTERNATIONAL RELATIONS  
МЕЖДУНАРОДНЫЕ ОТНОШЕНИЯ**

**THE GREAT HOUR OF GEOPOLITICS. MAIN CONFRONTATION FRONTS**

**ВЕЛИКИЙ ЧАС ГЕОПОЛИТИКИ. ГЛАВНЫЕ ФРОНТЫ ПРОТИВОСТОЯНИЯ<sup>1</sup>**

**MAREA ORĂ A GEOPOLITICII. PRINCIPALELE DIRECȚII DE CONFRUNTARE**

DERGACHEV Vladimir\* / DERGACHEV Vladimir / ДЕРГАЧЕВ Владимир

**ABSTRACT:**

**THE GREAT HOUR OF GEOPOLITICS. MAIN CONFRONTATION FRONTS**

*In the modern world, there is a crisis of neoliberal globalization, which is accompanied by large-scale geopolitical transformation and the formation of new centers of economic and military-political power. The Great Hour of geopolitics has arrived, a new global 500-year cycle and a radical transformation of the Large multidimensional spaces of the Earth. The main front of confrontation is being formed on the borders of the Global Majority and the collective West. Most of the fronts of confrontation between key geopolitical players in an era of global instability are concentrated on the Eurasian continent.*

**Key words:** geopolitics, geopolitical transformation, neoliberal globalization, traditional values, main fronts of confrontation.

**JEL Classification:** F15, F52.

**Universal Decimal Classification:** 327.39

<https://doi.org/10.61753/1857-1999/2345-1963/2024.19-2.03>

**REZUMAT:**

**MAREA ORĂ A GEOPOLITICII. PRINCIPALELE DIRECȚII DE CONFRUNTARE**

*În lumea modernă, există o criză a globalizării neoliberale, care este însoțită de o transformare geopolitică pe scară largă și de formarea de noi centre de putere economică și militaro-politică. A sosit Marea Oră a geopoliticii, un nou ciclu global de 500 de ani și o transformare radicală a Marilor spații multidimensionale ale Pământului. Principalele direcții de confruntare se formează la granițele Sudului Global și Occidentul colectiv. Cele mai multe direcții de confruntare dintre actorii geopolitici cheie într-o eră de instabilitate globală sunt concentrate pe continentul eurasiatic.*

<sup>1</sup> Представленная статья выполнена в рамках авторского проекта «Геополитическая и геоэкономическая трансформация мира», реализуемого на портале «Институт геополитики». URL: <http://www.dergachev.org>.

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**Cuvinte cheie:** geopolitică, transformare geopolitică, globalizare neoliberală, valori tradiționale, direcții principale de confruntare.

**JEL Classification:** F15, F52.

**CZU:** 327.39

<https://doi.org/10.61753/1857-1999/2345-1963/2024.19-2.03>

РЕЗЮМЕ:

### ВЕЛИКИЙ ЧАС ГЕОПОЛИТИКИ. ГЛАВНЫЕ ФРОНТЫ ПРОТИВОСТОЯНИЯ

*В современном мире наблюдается кризис нелиберальной глобализации, что сопровождается крупномасштабной геополитической трансформацией и формированием новых центров экономической и военно-политической мощи. Наступил Великий час геополитики, нового глобального 500-летнего цикла и кардинальной трансформации Больших многомерных пространств Земли. Главный фронт противостояния формируется на рубежах Глобального большинства и коллективного Запада. Большинство фронтов противостояния ключевых геополитических игроков в эпоху глобальной нестабильности сосредоточены на Евразийском континенте.*

**Ключевые слова:** геополитика, геополитическая трансформация, нелиберальная глобализация, традиционные ценности, главные фронты противостояния.

**JEL Classification:** F15, F52.

**УДК:** 327.39

<https://doi.org/10.61753/1857-1999/2345-1963/2024.19-2.03>

### Введение

**Наступает Великий час геополитики** – аналитической науки о закономерностях распределения и перераспределения сфер влияния (центров силы) различных государств и межгосударственных объединений в многомерном коммуникационном пространстве Земли.

В современном мире наблюдается кризис нелиберальной глобализации, что сопровождается крупномасштабной геополитической трансформацией и формированием новых центров экономической и военно-политической мощи. Под флагом нелиберальной глобализации, основанной на учение западных фундаменталистов о всеильном рынке и мировой справедливости, начала осуществляться интернационализация и регионализация экономической, политической и культурной жизни человечества, сопровождаемая игнорированием многих цивилизационных императивов. Вера в нелиберализм оказалась опасной иллюзией для большинства человечества. Нелиберальная глобализация неизбежно привела к поляризации человечества на представленный западным миром «золотой миллиард» и глубокую периферию.

Глобальная геополитическая трансформация Запад - Восток охватывает огромный диапазон мировых проблем, включая исторические, географические, военно-политические, геоэкономические, валютно-финансовые, демографические и другие.

Великий час геополитики подтверждает теорию множественности миров европейского мыслителя Иммануила Канта, соединившего в себе философа и географа, изучавшего духовные и земные горизонты. Он сформулировал представления об имманентном и трансцендентном мире, в котором географические понятия органически сливаются с философскими. Представления о множественности миров являются фундаментом новейшей геополитики (геофилософии)<sup>1</sup>.

<sup>1</sup> Владимир Дергачев [Иммануил Кант. Путешественник, открывший Великий океан, берега которого еще не удалось достигнуть никому.](http://dergachev.org/geop_events/230416-03.html) – Аналитические и образовательный Интернет-портал «Институт геополитики». URL: [http://dergachev.org/geop\\_events/230416-03.html](http://dergachev.org/geop_events/230416-03.html).

## **Глобальный 500-летний геополитический цикл и кардинальная трансформация Больших многомерных пространств Земли**

Согласно авторской геополитической теории Больших многомерных пространств<sup>1</sup> выделяются геополитические циклы: краткосрочные 40-летние, среднесрочные 100-летние и долгосрочные 500-летние. Наряду с циклами мировой гегемонии (модель Кондратьева – Валлерстайна) 500-летние геополитические циклы приводят к кардинальной смене мировой геополитической архитектуры и мировых (трансконтинентальных) коммуникаций.

В двадцать первом столетии начался новый глобальный 500-летний цикл Восток – Запад – Восток с соответствующей трансформацией мировых (трансконтинентальных) коммуникаций, мировых полюсов экономического и технологического развития и формирования новой мировой периферии. Мировой системный кризис неолиберальной модели глобализации совпал со сменой глобального геополитического цикла.

**Великий час геополитики характеризуется кардинальной трансформацией Больших многомерных пространств.** Главные фронты противостояния пройдут не только в реальном географическом пространстве смещения геополитических полюсов с Запада на Восток, но и экономическом, духовном, демографическом и киберпространстве.

Особое, актуальное в новейшей геополитике значение **Больших духовных (конфессиональных) пространств мировых и других религий.** Кроме неконтролируемого государством киберпространства, возвращается проблема мистического пространства веры. Этого нельзя забывать, увлекаясь искусственным интеллектом и роботизацией всех видов деятельности, **необходимо преодоление атеистического мировоззрения.** Академик Борис Раушенбах, один из основоположников советской космонавтики, писал: *«Атеизм ввели в Советской России, не понимая всю глупость этой затеи. <...> Они хотели заменить христианское мировоззрение научным. Но ведь научного мировоззрения не бывает, это чушь и собачий бред! Наука и религия не противоречат друг другу, напротив — дополняют. Наука — царство логики, религия — внелогического понимания. Человек получает информацию по двум каналам. Поэтому научное мировоззрение — обкусанное мировоззрение, а нам нужно не научное, а целостное мировоззрение»*<sup>2</sup>. **Геополитическая трансформация мира сопровождается рождением обновленной духовности, в том числе христианского архетипа.**

В Великий час геополитики появляются не только новые центры демографической мощи, но и их новые качества, ведущие к смене геополитических кодов и векторов государств.

Это наглядно демонстрируют Соединённые Штаты, население Америки составляет около 333 млн. человек и с 1980 года увеличилось на 107 миллионов. По прогнозам к середине века оно достигнет 400 миллионов, что существенно отличается от негативных прогнозов для большинства других развитых стран христианского мира. По данным Бюро переписи населения США белые станут в Америке меньшинством уже к 2042 году. При современных тенденциях пропорция латиноамериканцев в населении страны увеличится к середине столетия с 15 до 30%, доля афроамериканцев будет составлять 15%, а азиатов возрастет с 5% до 9% населения. В настоящее время

<sup>1</sup> Владимир Дергачев Основные понятия геополитической теории Больших многомерных пространств. – Аналитический и образовательный интернет-портал «Институт геополитики». URL: <http://dergachev.org/BMT.html>.

<sup>2</sup> Академик Раушенбах: нам нужно не научное, а целостное мировоззрение. – Всемирный русский народный собор. 26.10.2012.

белые составляют две трети населения, к середине века их будет 46%<sup>1</sup>. На белых американцев старшего поколения до сих пор приходится наибольшая доля экономической и политической власти Соединённых Штатов. Однако в ближайшем будущем бесповоротно изменится состав экономически активного населения, его политические взгляды и место государства в мире. Для Вашингтона наступает актуальность опыта трансформации Южно-Африканской Республики от расистской белой к цветной. Большинство пожилых белых людей будет зависеть от поддержки молодых и расово неоднородных поколений.

Выходцы из Латинской Америки уже стали крупнейшей этнической группой в Калифорнии, здесь проживает около 15 млн. испаноязычных жителей латиноамериканского происхождения, в то время как неиспаноязычное белое население насчитывает 14,9 млн. человек. Прогнозируется, что к 2060 году латиноамериканцы составят почти половину населения штата. Калифорния стала крупнейшим штатом по компактному проживанию латиноамериканцев и третьим в процентном соотношении после Гавайев и Нью-Мексико. Только за один 2019 год число латиноамериканцев в США выросло более чем на миллион человек и составило около 55 млн. человек.

Положительный демографический прогноз по росту численности населения Америки как страны мигрантов будет сопровождаться утратой белым населением лидерства за счет доминирования латиноамериканцев. Это приведет к кардинальной трансформации геополитического кода США с затуханием англосакского атлантизма.

В 2016 года мусульмане составляли 4,9% от общего числа жителей **Европы**. По мнению американских экспертов численности мусульманского населения Европы к 2050 году возрастет весьма существенно, по радикальному сценарию до 14%. При этом без миграции Европу ждет еще большие темпы старения населения и снижения его общей численности. Существенное увеличение доли мусульман ожидает Швецию, их численность за счет миграции и рождаемости может увеличиться за период 2020 - 2050 годов с 10% до 30%. Во Франции численность мусульман возрастет до 18%<sup>2</sup>.

Наметившаяся в Европе тенденция отказа от христианских ценностей, неолиберальная гендерная политика с пропагандой ЛГБТ, космополитизм, антигуманизм и неограниченная миграция разрушают фундамент и геополитический код европейской христианской цивилизации.

Государство в Западной Африке **Федеративная Республика Нигерия** по численности населения превосходит все остальные африканские страны (219 млн. человек, 2022 год, седьмое место в мире). В 2014 году Нигерия, ведущий производитель нефти на континенте, стала крупнейшей африканской экономикой, обогнав ЮАР по размеру валового внутреннего продукта. Страны Африки в целом избежали массовых смертей от COVID-19, но зависимость их экономики от развитых стран может привести к серьезным экономическим и социальным последствиям, к новому великому переселению народов, но не с Востока на Запад времен Римской империи, а с Юга на Север в Европейский Союз.

### **Фронты противостояния ключевых геополитических игроков в эпоху глобальной нестабильности**

Сложившиеся после Второй мировой войны мировой порядок и система международных отношений постепенно уходят в прошлое. Новая геополитическая архитектура многополярного мира будет рождаться в длительных конфликтах на фронтах Больших многомерных цивилизационных пространств.

В усиливающейся трансформации мира геополитический разлом проходит через евразийские цивилизационные рубежи. Основные события (конфликты) будут

<sup>1</sup> <https://www.bbc.com/russian/features-40606505>.

<sup>2</sup> Владимир Ващенко Пугающий прогноз: когда ислам захватит Европу <https://www.gazeta.ru/social/2017/12/04/11032304.shtml>.

происходить на Евразийском континенте. Главные фронты противостояния ключевых геополитических игроков Запада и Не-Запада в географическом пространстве — Ближний Восток, Восточная Европа и дуга нестабильности постсоветских государств, Азиатско-Тихоокеанский регион с Тайванем и с Южно-Китайским морем, а также Карибский регион в Новом Свете. Главные поля сражений сместились с Балкан (бывшая Югославия), Среднего Востока (Ирак, Афганистан) в Восточную Европу (Украину) и Ближний Восток.

Одним из главных Ответов на Вызов Запада стала «реконкиста» пограничников Евразии. Эта длительная освободительная борьба православных и мусульман против агрессии слабеющего Запада будет определять ближайшее будущее.

**Соединённые Штаты**, как мировой гегемон, эффективно, как казалось, научились использовать в качестве булыжника (в прошлом орудия пролетариата) для достижения своих геополитических и экономических целей демократические ценности и права человека, не страдая при этом славянской сентиментальностью. В глобальной конкуренции Америка ведет борьбу под флагом распространения демократии за свободный доступ к новым рынкам сбыта за счет разрушения политических барьеров. Кроме того, существует проблема выживания сверхдержавы «исключительного превосходства». Чтобы Америка не распалась, необходимо поддерживать высокий уровень и качество жизни. Отсюда неизбежные битвы за мировые ресурсы и рынки, не зависимо оттого, кто будет в Белом доме. Америкой правит Капитал, как правильно учили в советской школе, и от его Величества зависит избрание президента – лица наемного труда.

США исчерпали возможности эксплуатировать и внедрять «демократические ценности» с помощью самых «справедливых бомб и ракет» в Евразии. В прошлом Вашингтон во время экономических и внешнеполитических кризисов, в конце концов, находил оптимальное решение. В условиях цейтнота времени Америка может совершить непоправимые ошибки.

Согласно классической геополитике единственный способ сохранения мирового лидерства Соединённые Штаты видят в создании «санитарных кордонов» и региональных гибридных и *proxy war* (войны чужими руками) с помощью технологии «управляемого» хаоса в битве за Евразию. Если в Европе антироссийский «санитарный кордон» создается из марионеток Запада от Черного моря до Балтики, то против КНР Соединённые Штаты формируют индо-тихоокеанскую англосакскую ось США – Великобритания – Австралия. В последние десятилетия стратегическая цель США — окружить Китай и Россию лояльными Америке марионеточными режимами и очагами напряженности. Важной задачей американской геополитики в Евразии является не допустить реализацию китайского суперпроекта века Великого Шелкового пути в Европу через Южные моря, Ближний Восток и Восточную Европу.

### **Евразийский американский фронт. Демократическая «Петля Анаконды»**

Соединённые Штаты Америки последовательно реализуют евразийскую геополитику «Петли Анаконды»<sup>1</sup>. Евразийская рубежная зона цивилизаций протянулась от Балтики через Балканы, Ближний Восток, Черноморье и Каспий, Центральную Азию, Синьцзян и Маньчжурию к Тихому океану. Это контактная зона диалога цивилизаций Евразии, важнейший «двигатель» духовного прогресса человечества и, одновременно, барьерные «горячие фронты» взаимного непонимания

<sup>1</sup> Владимир Дергачев Демократическая «Петля Анаконды: новые рубежи евразийской геополитики США. — Международный журнал «Вестник аналитики», 2007 , № 3 (Москва). URL: <http://dergachev.org/analit/7.html>. Леонид Ивашев Петля Анаконды вокруг России.— Интернет-портал KM.RU. 25.09.2006. Александр Артамонов Морской змей против Земляного дракона. Стратегия НАТО в Евразии. — URL: <https://yandex.ru/video/preview/12016022456561774979>.

и подозрительности (крупнейших мировых военных конфликтов)<sup>1</sup>. Её границы находятся в вечном движении в многомерном коммуникационном пространстве (суперэтническом, конфессиональном, социокультурном, экономическом и др.), поэтому их трудно локализовать в географическом пространстве. От Карпат до Хингана расположена Великая Евразийская степь, которая, начиная со средневековья, трижды объединялась Тюркской, Монгольской и Российской империями. В Евразийской рубежной зоне цивилизаций расположены крупнейшие в мире геополитические узлы на Балканах, Крыму и Афганистане, где на тройных цивилизационных границах часто рождается взрывоопасная энергетика. Если сопоставить крупные очаги напряженности с этноландшафтными рубежами, то многие исторические эпицентры конфликтов расположены на тройных конфессиональных границах мировых цивилизаций:

- западнохристианской, православной и исламской (Балканы, Левант, Крым);
- исламской (арабской, тюркской), индийской и китайской (Афганистан, Таджикистан, Пенджаб);
- православной, китайской и японской (Маньчжурия).

В многомерном пространстве Евразии стратифицировались природные, геополитические, конфессиональные, экономические, этнические, культурные и другие рубежи. Великая Евразийская суперэтническая зона есть результат «пограничных состояний» многомерного пространства, образующего коммуникационные полюса высокой энергетике. Главный евразийский рубеж проходит через души людей. В многомерном коммуникационном пространстве на рубежах евразийских цивилизаций возник духовный микрокосмос мировых религий и расположены их центры (Иерусалим, Рим, Мекка, Медина, Исфахан). Здесь сосредоточены мировые полюса философской мысли (Древняя Греция, Китай, Германия), исторические центры международной торговли. Интенсивный информационный обмен, обусловленный ускорением оборачиваемости торгового, промышленного и финансового капитала способствовал благоденствию народов и рождению мировых религий на социокультурных рубежах, но здесь же возведение «железных занавесов» сопровождалось наиболее кровопролитными этнонациональными и этноконфессиональными конфликтами. В XX веке евразийские цивилизационные рубежи были эпицентром двух мировых войн, в которых погибло 60 млн. человек — больше, чем за предшествующие войны человечества. Столетие завершилось очередным цивилизационным разломом.

На евразийских рубежах цивилизаций человечество впервые получило ответ на вечную проблему политического и социально-экономического выбора. Этот ответ красной нитью проходит через Библию, в которой пророки отдали приоритет не восточным и западным моделям развития, а духовности, чистоте нравственной жизни народа. Этот путь проходит через совесть. Необходим, как призывали пророки и мыслители, бросок на Юг и Восток к колыбелям мировых цивилизаций, истокам духовной жизни. Бросок души, а не плоти в кирзовых или других солдатских сапогах.

Но на рубеже двадцать первого столетия впервые в истории Евразии страна из Нового Света, не обладающая глубокой исторической памятью, начала внедрять крупномасштабную «демократическую» архитектуру миропорядка в Евразии с помощью самых справедливых бомб и ракет. И пока нет прогноза, к каким сбоям в главном двигателе «духовного прогресса» это может привести. При исключительной протяженности цивилизационных рубежей Америка вынуждена локализовать главные направления своего наступления в Евразии.

Но смогут ли Соединенные Штаты с 5 % от численности населения Земли «переварить» демографический вулкан Евразию в свой протекторат? На это пытался ответить американский политолог Збигнев Бжезинский в книге «Великая шахматная

<sup>1</sup> Дергачев В.А. Геополитика. — М.: ЮНИТИ-ДАНА, 2004.

доска», в которой излагается откровенный и упрощенный взгляд на евразийскую геополитику США<sup>1</sup>. Как стало очевидным, технология «шахматной доски» в отношении Евразии — колыбели мировых цивилизаций и религий, высокомерна и оскорбительна. Не только для мусульман, но и многих других народов, не желающих быть пешками в чужой игре.

### **Евразийский китайский безконфронтационный фронт**

В отличие от США коммунистический Китай предлагает другую — консолидирующую на основе экономического роста модель, предусматривающую сохранение полиэтничности на евразийских цивилизационных рубежах. Китай после пятисотлетнего перерыва вновь стал мировой державой. Экономическая сверхдержава начала крупномасштабное мирное наступление на Евразийском континенте. Пекин предложил миру грандиозный евразийский геоэкономический суперпроект Нового Шёлкового пути, который по своим масштабам превышает все, что было в истории человечества. С китайской инициативой «Один путь — одна дорога» придется считаться стратегам США, Евросоюза и России. В ответ на американскую евразийскую геополитику «петли Анаконды» набирающий мощь Китай реализует евразийскую геополитику «жемчужного ожерелья» (или «нить ожерелья») с доминированием экономической стратегии «идти вовне» вдоль формируемого нового Великого Шелкового сухопутного и морского пути.

Пекин, отчетливо осознавая, что мировые правила в области экономики, финансов и торговли сегодня устанавливает Запад, предложил новую комбинацию геополитической игры, где шахматной доской стал весь окружающий мир, включая Соединенные Штаты. И как оказалось, из множества угроз для будущего США в глобальной конкуренции представляет не собственно Китай, а новые формы интеграции, не свойственные современному Западу. Пока Америка удобно размещала свои позиции на «евразийской шахматной доске» угроза пришла с другой стороны. КНР формирует новое мировое экономическое сообщество, получившее название **Большой Китай**, включающий Китай-Континент, Китай-Остров (Тайвань, Гонконг, Сингапур) и Китай-Диаспору. По своей экономической мощи (ВВП, рассчитанному по паритету покупательной способности) это надгосударственное образование или неведомая Западу транснациональная корпорация сопоставима с США.

Следующим ответом Пекина на экспансию США в Евразию является создание вместе с Россией **Шанхайской организации сотрудничества (ШОС)**. За короткий срок Организация начала выступать в качестве новой влиятельной политической силы и стала важным игроком на мировой шахматной доске — пока в мирном противостоянии США, ЕС и ШОС.

### **Европа в окружении трех горячих фронтов на фоне завершения американского протекционизма**

В процессе глобальной геополитической трансформации заканчивается эра военного и экономического протекционизма Вашингтона в отношении Европы, ставшей протекторатом США в военно-политическом отношении. Соединенные Штаты обеспечивают до 75 % финансирования НАТО. Европейский Союз долгие годы находится под оборонительным «ядерным зонтиком» США. И рано или поздно Европе самой придется заботиться о своей безопасности, а расходы на оборону скажутся на качестве жизни европейцев. Выявилась абсолютная не только военная, но политическая и экономическая зависимость Европы от Соединённых Штатов. В результате «головокружения» от успехов и поспешного продвижения на Восток, Евросоюз входит в период упадка. ЕС прошел пик своего экономического могущества и начался закат

<sup>1</sup> Збигнев Бжезинский Великая шахматная доска. — М.: Международная жизнь, 1999.



Европы вместе с медленным угасанием Запада, который не только перешёл «красную черту» в Восточной Европе.

Неожиданно для Брюсселя, Евросоюз оказался окружённым тремя горячими фронтами, способными зажечь искру первой мировой религиозной войны — мусульманским арабским, православным восточноевропейским и внутренним антихристианским. При этом, если кризис еврозоны расколол еврозону (валютный союз) по географическому принципу между Севером и Югом, то финансовый и миграционный кризис провел черту между старой и зажиточной Западной Европой — и новыми членами на Востоке из бывшего социалистического лагеря. Закат Европы на фоне очень слабого экономического роста может быть постепенным по «японскому сценарию» или внезапным (как СССР).

Многочисленные вызовы, с которыми сталкивается Евросоюз оставляет все меньше надежд для «светлого будущего» европейской периферии, где иждивенцы мечтают только о несбыточном патернализме Брюсселя. Времена относительно бесплатных пряников прошли. И на очередном саммите «Восточного партнёрства», если он состоится, взаимные поцелуи усилятся, но денег нет.

### **Восточноевропейский фронт противостояния между США и Россией**

Геополитика Запада привела к возрождению в Восточной Европе взрывоопасного антироссийского кордона из марионеточных и враждебных России государств. По мнению западных стратегов, Восточная Европа с нестабильной дугой постсоветских государств является самым слабым звеном новой геополитической архитектуры мира. Здесь в результате воинствующего советского атеизма образовалось преимущественно безбожное пространство, пораженное хаосом («Чернобылем души»). Здесь проще всего «взрывать» с помощью технологий новейшей геополитики и разрушать местный цивилизационный (культурно-генетический) код<sup>1</sup>. В результате возникла идея очередного «Дранг нах Остен», забыв, чем это окончилось в прошлом для Наполеона и Гитлера, и что современная Россия может быть уничтожена только вместе со всем миром.

К 2024 году глобальный ядерный арсенал 9 государств, обладающих атомным оружием, насчитывал примерно 12121 ядерной боеголовкой. США и Россия владеют 88% мировых запасов ядерного оружия. При ядерном паритете ограничивается возможность ядерной войны или «звездных войн», но усиливается соблазн применения других форм военно-стратегического соперничества: религиозные войны, информационная война, война чужими руками (проху war, прокси война), гибридная война, асимметричная война, кибервойна и сетевые войны.

Запад, упоенный мнимой победой в холодной войне, получил неожиданный ответ — Россия стала мировым лидером в стратегических вооружениях. **Россия получила военно-стратегическое преимущество над США** как в ядерных вооружениях (Авангард, Посейдон, Сармат), так и в обычных вооружениях (гиперзвуковые ракеты морского базирования «Циркон» и гиперзвуковые ракеты воздушного базирования «Кинжал»). Это представляет угрозу не только для территорий Соединённых Штатов и других недружественных стран. Главная ударная сила американских ВМС при проведении операций с применением неядерного оружия — авианосные ударные группы. Эта военная мощь обеспечивает доминирование США в Мировом океане (за исключением Арктики) и большинстве регионов мира, позволяет контролировать морские коммуникации, проводить военные операции против «неправильных» государств и устанавливать свой порядок. Российские сверхзвуковые ракеты «Циркон» и «Кинжал» являются убийцами авианосцев, их невозможно сбить современными средствами, стоящими на вооружении США. Это представляет реальную угрозу для

<sup>1</sup> Владимир Дергачев Главный геополитический ресурс России. — Интернет-портал «Институт геополитики». URL: [http://dergachev.org/geop\\_events/01.html](http://dergachev.org/geop_events/01.html).

американских авианосных ударных групп, без которых Америка превращаются в большой остров между Тихим и Атлантическим океаном.

17 декабря 2021 года МИД Российской Федерации опубликовал проекты договора с США и соглашения с НАТО о гарантиях безопасности. В них проводятся «красные линии», за которые Запад не должен заступать в отношениях с ядерной сверхдержавой. Главные требования выдвинутых российских предложений — отказ Североатлантического блока от дальнейшего расширения за счет постсоветских государств, отказ от ведения военной деятельности на территории государств, принятых в НАТО после 1997 года, отказ от восприятия России в качестве противника. Недопустимо дальнейшее приближение военной инфраструктуры блока НАТО к российским границам, а также размещение на Украине ударного вооружения. Требуется убрать ядерное оружие в государства, его производящие, в первую очередь ядерное оружие США из Европы.

Россия предупредила Запад о «красной черте» в Прибалтике, Польше, Румынии и Украине, стремящейся к вступлению в НАТО. Это стало главной военно-политической проблемой в отношениях с коллективным Западом во главе с США, не согласившихся на требования России уйти из зоны её безопасности. Отказ Запада от диалога и обсуждения выдвинутых требований привел к обострению обстановки на восточноевропейских рубежах противостояния. Ядерная сверхдержава вынуждена из-за проблем безопасности создавать зону «особых интересов». В результате в Восточной Европе на территории Украины образовался опасный полигон противостояния двух главных ядерных сверхдержав — испытания предела «красной черты» в отношениях между ними. В эпицентре «красной черты» оказались Украина, самопровозглашенные республики Донбасса. Далее идут Приднестровье, Белоруссия и российская Калининградская область.

На Кавказе «красная черта» проходит по Абхазии и Южной Осетии. Центральная Азия за годы постсоветской трансформации стала «дугой нестабильности», «образцом» кланово-племенной демократии при росте резкой дифференциации доходов населения. Превращение Казахстана во враждебное России государство будет означать создание самой протяженной «красной линии».

Открытый на территории Украины восточноевропейский горячий фронт противостояния коллективного Запада и России может, в случае успеха для США, расшириться на всю дугу нестабильности постсоветского пространства, что в конечном итоге лишит Китай надежных тылов с севера.

Чтобы закрепиться на новых евразийских рубежах, Америке важно было найти очередных надежных марионеток после провалов во Вьетнаме, Ираке и Афганистане. Особенно перспективной оказалась ставка Америки на Украину. Правда, явление американских «ангелов» демократии на украинскую землю может ускорить распад самостийного государства. И тогда украинская властная элита проиграет все, включая потерю награбленного советского добра, хранящегося в сундуках на персональных еврохуторах. И так уже было дважды в украинской истории в период Первой и Второй Руины.

В центре геополитической трансформации в Восточной Европе находится Крым и Новороссия. После того, как Соединенные Штаты обрушили «ценности демократии» на Балканы и Афганистан, следующим должен был стать Крым, но не случилось. Севастополь вслед за Сайгоном, Багдадом и Кабулом не стал городом американской славы.

В настоящее время Восточная Европа превратилась в крупнейшую зону конфликта в христианском мире. Это уже не противостояние идеологических режимов, а смертельный конфликт западного христианства и православия, в котором решается судьба украинской государственности.

Как уже неоднократно отмечал автор, геополитической и геоэкономической нестабильности в Восточной Европе способствует эгоизм великих держав, преследующих свои стратегические цели. Они поставили новые независимые государства (Украину, Молдову и Грузию) перед жестким выбором Или/Или между евроинтеграцией (НАТО, ЕС) и евразийской интеграцией (ОДКБ, ШОС, ЕАЭС). В результате между Западной Европой и Россией образовалась обширная «серая зона» формирующейся новой мировой периферии, грозящей стать очередным эпицентром мирового конфликта.

Украина за годы независимости превратилась из субъекта в объект мировой политики и находится под внешним управлением. Главная особенность украинской национальной охоты заключается в выборе цели, под которую выгодно залечь — под «ляхов», «москалей», европейцев, американцев, турок и других басурман. В результате наступила очередная Руина, ведущая к утрате государственности. Если украинская власть окончательно выберет вместо нейтралитета проамериканскую или пророссийскую сторону, она будет разорвана без особого сожаления для основных геополитических игроков в Восточной Европе.

### **Ближневосточный фронт геополитического противостояния**

**Столкновение арабского и еврейского национализмов** — это глубочайший цивилизационный конфликт, которому не будет конца, пока за противоборствующими сторонами стоят великие державы. Как пишут в социальных сетях, *«Израиль может уничтожить всех узников концлагеря под открытым небом под названием «Палестина», но история им этого не простит. Народ, пострадавший от холокоста, сам устраивает холокост палестинцами».* Многие и не только арабские государства обвиняют Израиль в *«незаконной оккупации палестинских земель, непрерывном расширении поселений, осквернении мечети Аль-Акса и христианских святынь, а также угнетении палестинского народа».* *«После геноцида арабов в 2024 году Израиль может постигнуть судьба Содомы и Гоморы».* Злую шутку в этой истории сыграл распад СССР, когда евреи окончательно провозгласили США землей обетованной. Израиль стал американским форпостом на Ближнем Востоке и под американским военным зонтиком евреи перешли в наступление на палестинскую автономию (государственность).

В настоящее время США заинтересованы в разгорающемся военном конфликте на Ближнем Востоке, чтобы помешать реализации китайского суперпроекта Великого Шелкового пути. Но перед президентскими выборами нежелательны неожиданные сюрпризы. В 2024 году Иран в ответном ударе по Израилю гиперзвуковыми ракетами продемонстрировал возможность поражения одного из американских авианосцев в зоне Ближнего Востока, базирующихся на атолле Диего-Гарсия в Индийском океане. Военная эскалация приведет к перекрытию Ираном Ормузского пролива. Через эту самую уязвившую географическую точку на мировой карте ежегодно проходит до 20% нефти и нефтепродуктов и примерно столько же сниженного газа. В Европе, значительно утратившей российский природный газ, наступит экономическая катастрофа. Теряющая мировую гегемонию сверхдержава может подставить Израиль под полное исчезновение, с возможным трагическим исходом еврейского народа.

### **Великий час Южных морей**

**Наступает Великий час Южных морей**, предвестником которого стали восточноазиатские Драконы. Не только на морских просторах, но и в небесном и киберпространстве Китай с азиатскими Драконами делает вызов Западу. Нарастающее противостояние двух экономических сверхдержав привело к созданию геополитического узла напряженности в Южно-Китайском море. Так как экономическая мощь Китая сосредоточена на побережье морей Тихого океана, Пекин начал успешно реализовать военно-морскую стратегию «голубой воды» и готов

объявить зоной национальных интересов океанские акватории и острова в западной части Тихого океана. Соединённые Штаты, несмотря на усиление информационной войны, не смогли предотвратить создание китайских опорных пунктов в Южно-Китайском море с помощью своих союзников и сателлитов. В обозримом будущем Китай продолжит вытеснять нерегиональную державу (Соединённые Штаты) из вмешательства в территориальные споры вокруг Южно-Китайского моря. Пекин выступает за совместное с другими заинтересованными государствами Азиатско-Тихоокеанского региона решение вопроса о делимитации морских пространств, свободе и безопасности судоходства, совместной защите мира и стабильности.

В китайскую геополитику «искусственно не высовываться» вносятся существенные коррективы. Оставаться в стороне от мировых проблем вторая экономическая сверхдержава уже не может. Китайский юань стал мировой резервной валютой. Главная геэкономическая битва Запада и Востока разворачивается между Евроатлантическим блоком во главе с США и Евразийским блоком во главе с КНР и Россией. После объявления в доктрине национальной безопасности США в качестве главных врагов Китая и России утвердилась новая геополитическая реальность. Начавшееся безграничное противостояние и сдерживание России на уничтожение в Пекине осознают, как предупреждение Поднебесной: *«Сегодняшнее России может стать китайским завтра»*.

В 2019 года Пентагон принял новую военную стратегию для Индо-Тихоокеанского региона, направленную на сдерживание Китая. Создано Индо-Тихоокеанское командование (USINDOPACOM). Этот англосакский фронт (США, Великобритания и Австралия) становится важным плацдармом для противостояния с коммунистическим Китаем. Главные очаги напряженности усиливаются вокруг Тайваня, в Южно-Китайском море и Пакистане, через который проходит транспортный коридор из Поднебесной на Средний Восток и Южную Азию. Тайвань стал многолетним инструментом борьбы США против континентального Китая, а самостийную Украину сравнивают с Островом. Москва и Пекин выступают за то, чтобы Украина и Тайвань не играли в антироссийские и антикитайские игры. Китайская власть убеждена, что Тайвань (23 млн. человек) неизбежно вернется в Поднебесную. Американцы заинтересованы в сохранении контроля над островом, имеющим важное геостратегическое положение. Индустрия информационных технологий Тайваня играет исключительно важную роль на мировом IT-рынке, здесь сосредоточены значительные мировые объемы производства процессоров и электроники, включая 70% контрактного производства чипов.

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**В будущем потенциальными фронтами остро геополитического противостояния могут стать Арктика и Антарктида.** Здесь требуется выработка новых международных соглашений по правовому режиму в связи с потеплением климата, освоением энергетических и других ресурсов и кардинальному увеличению перевозок по Северному морскому пути. Антарктика — единственный перспективный в военно-стратегическом и ресурсном отношении регион Земли, не подчиненный суверенитету какого-либо государства. Обостряется борьба за этот последний на Земле резерв полезных ископаемых. В Антарктиде наряду с Бразилией и Россией находятся самые большие запасы пресной воды. Договор об Антарктиде 1959 года заморозил все территориальные претензии, но это не мешает публиковать карты с территориальными претензиями стран на арктическую землю. В настоящее время на владения территориями в Антарктиде претендуют Австралии, Аргентина, Великобритания, Новая Зеландия, Норвегия, Франция и Чили.

## Заклучение

Наступил Великий час геополитики — очередная смена 500-летнего геополитического цикла глобальной трансформации и смещения геополитических полюсов с Запада на Восток. В современном мире наблюдается кризис неолиберальной глобализации, что сопровождается крупномасштабной геополитической трансформацией и формированием новых центров экономической и военно-политической мощи. Мир вошел в эпоху глобальной геополитической нестабильности.

Выделяется три основных субъекта международных отношений — США, КНР, РФ и многочисленные объекты для создания очагов «управляемого хаоса», включая Украину, вокруг Тайваня и Израиль. В тени остаётся нелегальный субъект международных отношений — американские неоконсерваторы, условно играющие роль «мирового правительства». Особенностью всех перечисленных субъектов (акторов) является непоколебимая уверенность в победе. Их ставки больше, чем мир.

Коллективный Запад во главе с США постепенно утрачивает монополию на мировое господство и исключительность. Но новая геополитическая архитектура многополярного мира будет рождаться в длительных конфликтах на фронтах Больших многомерных цивилизационных пространств. Запад уже не сможет прикрывать свои преступления (не только эпохи империализма) борьбой за права человека, демократию и «безграничную справедливость».

Мир находится у опасной «красной черты», создающей катастрофические риски эскалации локальных конфликтов из-за выхода оружия из-под контроля человека и государств. Требуется новый мировой порядок, способный обеспечить безопасность жизни на Земле. Институты, символизирующие глобальный статус-кво Запада, такие как НАТО, ЕС, Всемирный банк, МВФ и ВТО и другие, постепенно ослабевают. На международной арене восходят организации Глобального большинства, такие как БРИКС и ШОС во главе с Россией и Китаем. Только в 2024 году членами БРИКС стали Саудовская Аравия, Египет, Иран, Эфиопия, ОАЭ. Глобальные балансы и позиции стратегических союзников Запада кардинально меняются. Запад во главе с США испытывает большие трудности в конфронтации на трех направлениях: Россия — Украина, Палестина — Израиль и Китай — Тайвань. Соединённые Штаты не извлекли исторических уроков о войне на два фронта, погубивших Наполеона и Гитлера.

Великий час геополитики — это время консолидации Глобального большинства и формирования главного мирового фронта по защите традиционных ценностей цивилизаций. Российская Федерация сделала ставку на защиту традиционных ценностей с целью сохранения цивилизационной идентичности и геополитического суверенитета. Поднебесная, открытая для экономического сотрудничества, непоколебимо стоит на страже своей суверенности и духовных ценностей. Индия, придерживаясь политики неприсоединения, глубоко чтит древнюю культуру, религию и философию. Исламский мир отвергает заимствование современных ценностей коллективного Запада. В своем развитии страны Латинской Америки и Африки все в большей степени обращаются к национальной культурно-исторической идентичности.

Великий час геополитики характеризуется кардинальной трансформацией Больших многомерных пространств. Фронты противостояния пройдут не только в реальном географическом пространстве смещения геополитических полюсов с Запада на Восток, но и в духовном, демографическом, экономическом пространствах и других. Особое, актуальное в новейшей геополитике значение Больших духовных (конфессиональных) пространств мировых и других религий.

Положительный демографический прогноз по росту численности населения Америки как страны мигрантов будет сопровождаться утратой «белым» населением лидерства за счет доминирования латиноамериканцев. Это приведет к кардинальной трансформации геополитического кода США с затуханием англосакского атлантизма. Намечившаяся в Европе тенденция отказа от христианских ценностей, неолиберальная гендерная политика с пропагандой ЛГБТ, космополитизм, антигуманизм и

неограниченная миграция разрушают фундамент и геополитический код европейской цивилизации.

В наступившую эпоху глобальной нестабильности геополитическая мощь государства определяется в первую очередь силой духа, победой правды над ложью. Западные демократические ценности под предлогом политкорректности и толерантности все чаще приходят в противоречие с христианскими ценностями и используются в качестве булжника (оружия пролетариат) в борьбе за расширение потребительского рынка. Несмотря на современные военные технологии, нельзя победить противника, не сломив его силу духа. У Запада не только иссяк модернизационный порыв, вера в мамону заменила христианские ценности.

В условиях глобального реформирования моделей развития, сохраняется ведущая роль геополитической мощи и войн за ресурсы и рынки, а не территории. Глобализация сыграла злую шутку с Западом, вынос промышленности в развивающиеся страны ослабил его военно-политическую мощь.

В высокоразвитых странах и в третьем мире ширятся социальные конфликты, включая США. Великобританию и Европейский Союз с прошедшей войной крушения памятников. Часто протестующие граждане выступают против капиталистического и социалистического будущего. Транснациональные корпорации, представители глубинного государства пугают человечество «цифровым концлагерем».

В будущем произойдут кардинальные изменения мировой геополитической архитектуры и логистики мировых (трансконтинентальных) коммуникаций. Установится нового мировой порядок с созданием новой системы международных отношений и международной безопасности.

Только полный контроль Евразии обеспечивает Вашингтону мировую гегемонию. Если в прошлом это ассоциировалось с размещением военных баз у границы с СССР, то в настоящее время «петля Анаконды» расширяется вокруг России и КНР. Создание как можно больше очагов «управляемого хаоса» является фундаментом в евразийской геополитике США.

Одним из главных Ответов на Вызов Запада стала «реконкиста» пограничников Евразии. Эта длительная освободительная борьба православных и мусульман против агрессии слабеющего Запада будет определять ближайшее будущее. Геополитическое будущее Евразии видится в необходимости сохранения полиэтничности на рубежах цивилизаций за счет расширения контактных (транзитных) коммуникационных функций и создания современной инфраструктуры. Формирование на рубежах евразийских цивилизаций коммуникационных узлов с преференциальным режимом будет способствовать экономическому росту, установлению социально-психологического комфорта и межэтнической терпимости на Балканах, Ближнем Востоке, Кавказе и Центральной Азии.

Процесс глобальной геополитической трансформации ведет к многополярному миру эпохи нестабильности и формированию новых геополитических и геоэкономических полюсов. Главной функцией великих держав остается безопасность, контроль торговых и информационных коммуникаций. Великий час геополитики не отменяет наряду с военной мощью силу духа человека. Нельзя изменить мир, не изменив себя.

В ближайшем будущем возрастут конфликты на постсоветском пространстве, где продолжится формирования новой мировой периферии. Если после распада СССР Запад использовал в качестве главной дубины в отношении новых независимых государств права человека, то в настоящее время отброшен этот фиговый листик демократии и вместо него увеличиваются поставки снарядов и ракет, чтобы уничтожить Россию.

Обостряется борьба за выживание постсоветских государств, оказавшихся между молотом и наковальней великих держав. Перед политической элитой этих государств

стоит вопрос выбора между ролью марионеток с призрачным будущим или защитников национальных интересов и традиционных ценностей. В классической европейской мысли желание власти бедной страны, не входящий в «золотой» миллиард стать частью другой, в данном случае западной, цивилизации считается аморальным фактором, ведущим к уничтожению социокультурного кода нации.

Великий час геополитики завершится, когда будут созданы международные институты глобального большинства и международный трибунал преступлений Запада против человечества.

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<https://doi.org/10.61753/1857-1999/2345-1963/2024.19-2.03>



Revista Moldovenească de Drept Internațional și Relații Internaționale /  
Moldavian Journal of International Law and International Relations /  
Молдавский журнал международного права и международных отношений

2024, Issue 2, Volume 19, Pages 52-64.

ISSN 1857-1999 EISSN 2345-1963

Submitted: 03.07.2024 | Reviewed: 10.07.2024 | Accepted: 13.07.2024 | Published: 15.07.2024

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.04>

**COMUNICĂRI ȘTIINȚIFICE**  
**THE SCIENTIFIC COMMUNICATIONS**  
**НАУЧНЫЕ СООБЩЕНИЯ**

**SUSTAINABLE ECONOMY AND EFFECTIVE ENVIRONMENTAL  
GOVERNANCE: KEY PRINCIPLES AND GLOBAL BEST PRACTICES**

**ECONOMIE DURABILĂ ȘI GUVERNANȚĂ EFICIENTĂ ÎN DOMENIUL  
MEDIULUI : PRINCIPII-CHEIE ȘI BUNE PRACTICI GLOBALE**

**УСТОЙЧИВАЯ ЭКОНОМИКА И ЭФФЕКТИВНОЕ ЭКОЛОГИЧЕСКОЕ  
РЕГУЛИРОВАНИЕ: КЛЮЧЕВЫЕ ПРИНЦИПЫ И ПЕРЕДОВАЯ МИРОВАЯ  
ПРАКТИКА**

LISENCO Vladlena\* / LÎSENCO Vladlena / ЛЫСЕНКО Владлена

**ABSTRACT:**

**SUSTAINABLE ECONOMY AND EFFECTIVE ENVIRONMENTAL GOVERNANCE:  
KEY PRINCIPLES AND GLOBAL BEST PRACTICES**

*This research explores the integration of economic development and environmental sustainability, focusing on balancing present needs with future resource conservation. It investigates how green economies and governance practices can mitigate pollution, climate change, and resource depletion. Central to this study is how sustainable development can be achieved through practical governance and economic strategies promoting low-carbon, resource-efficient, and inclusive growth. Examining concepts like the circular economy and bioeconomy, the study addresses the urgent impact of globalization on national development and environmental issues. Through a comparative analysis of green public governance models and sustainable economic practices and case studies from Nordic countries, Germany, France, and the Netherlands, it identifies effective strategies. Findings show that sustainable growth can coexist with environmental preservation through green investments, supportive policies, and inclusive development. The research highlights the importance of transparency, accountability, inclusiveness, and the rule of law in environmental decision-making to facilitate sustainable development globally.*

**Key words:** *green economy, circular economy, bioeconomy, climate change, good environmental governance, public governance, sustainable development, human rights, globalization.*

**JEL Classification:** A11; K32; Q56

**Universal Decimal Classification:** 342.2:33; 349.6; 349.6.086

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.04>

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## РЕЗУМАТ:

**ECONOMIE DURABILĂ ȘI GUVERNANȚĂ EFICIENTĂ ÎN DOMENIUL MEDIULUI :  
PRINCIPII-CHEIE ȘI BUNE PRACTICI GLOBALE**

*Această cercetare explorează integrarea dezvoltării economice și a durabilității mediului, concentrându-se pe echilibrarea nevoilor prezente cu conservarea resurselor viitoare. Ea investighează modul în care economiile ecologice și practicile de guvernare pot atenua poluarea, schimbările climatice și epuizarea resurselor. În centrul acestui studiu se află modul în care dezvoltarea durabilă poate fi realizată prin strategii practice de guvernanță și economice care promovează o creștere cu emisii reduse de carbon, eficientă din punctul de vedere al utilizării resurselor și favorabilă incluziunii. Examinând concepte precum economia circulară și bioeconomia, studiul abordează impactul urgent al globalizării asupra dezvoltării naționale și asupra problemelor de mediu. Printr-o analiză comparativă a modelelor de guvernanță publică ecologică și a practicilor economice durabile, precum și prin studii de caz din țările nordice, Germania, Franța și Țările de Jos, acesta identifică strategii eficiente. Constatările arată că creșterea durabilă poate coexista cu conservarea mediului prin investiții ecologice, politici de sprijin și dezvoltare favorabilă incluziunii. Cercetarea evidențiază importanța transparenței, a responsabilității, a incluziunii și a statului de drept în procesul decizional privind mediul pentru a facilita dezvoltarea durabilă la nivel global.*

**Cuvinte cheie:** economie verde, economie circulară, bioeconomie, schimbări climatice, bună guvernanță de mediu, guvernanță publică, dezvoltare durabilă, drepturile omului, globalizare.

**JEL Classification:** A11; K32; Q56

**CZU:** 342.2:33; 349.6; 349.6.086

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.04>

## РЕЗЮМЕ:

**УСТОЙЧИВАЯ ЭКОНОМИКА И ЭФФЕКТИВНОЕ ЭКОЛОГИЧЕСКОЕ  
РЕГУЛИРОВАНИЕ: КЛЮЧЕВЫЕ ПРИНЦИПЫ И ПЕРЕДОВАЯ МИРОВАЯ  
ПРАКТИКА**

*В этом исследовании рассматривается вопрос о взаимосвязи экономического развития и экологической устойчивости с учетом баланса между текущими потребностями и сохранением ресурсов в будущем. Исследуется, как "зеленая" экономика и практика управления могут снизить уровень загрязнения, изменения климата и истощения ресурсов. Центральное место в этом исследовании занимает вопрос о том, как устойчивое развитие может быть достигнуто с помощью практических управленческих и экономических стратегий, направленных на обеспечение низкоуглеродного, ресурсосберегающего и инклюзивного прогресса. Изучая такие концепции, как циркулярная экономика и биоэкономика, в исследовании рассматривается неотложное воздействие глобализации на национальное развитие и экологические проблемы. С помощью сравнительного анализа моделей «зеленого» государственного управления и устойчивой экономической практики, а также тематических исследований, проведенных в скандинавских странах, Германии, Франции и Нидерландах, в исследовании определяются эффективные стратегии. Данные показывают, что устойчивый рост может сосуществовать с сохранением окружающей среды за счет «зеленых» инвестиций, поддерживающей политики и инклюзивного развития. Исследование подчеркивает важность прозрачности, подотчетности, инклюзивности и верховенства закона при принятии экологических решений для содействия устойчивому развитию в глобальном масштабе.*

**Ключевые слова:** зеленая экономика, циркулярная экономика, биоэкономика, изменение климата, эффективное экологическое управление, государственное управление, устойчивое развитие, права человека, глобализация.

**JEL Classification:** A11; K32; Q56

**УДК:** 342.2:33; 349.6; 349.6.086

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.04>

## Introduction

**Global and regional concepts on Green Economy.** Sustainable development has become an important topic on the agenda for politicians, scientists, social activists, and business people. While environmental problems are becoming more and more prominent and the consequences increasingly urgent, topics such as pollution, climate change, ecological disasters, and the depletion of natural resources have made people start looking for solutions and writing different strategies.

In the second half of the 20th century, the world faced open questions about the scarcity of important resources for life and development. The UNs 17 Sustainable Development Goals (SDGs) are an urgent call to action for all nations—both developed and developing—within a global partnership. These goals, proposed as a universal concept by the UN, recognize that eradicating poverty and other forms of deprivation requires comprehensive efforts. These efforts include combating climate change, protecting our oceans and forests, enhancing health and education, reducing inequality, and promoting economic growth. The SDGs highlight the interconnected nature of these challenges and emphasize the need for integrated solutions to achieve sustainable development for all.<sup>1</sup>

The concept of sustainable development has existed for decades, with its modern interpretation first articulated in the Brundtland Report in 1987. The goal of sustainable development is to strike a balance between meeting the needs of the present generation and conserving resources for future generations. It emphasizes the relationship between economic growth, social well-being, and environmental protection. Sustainable development aims for long-term well-being by taking into account these three dimensions.

The United Nations Environment Programme (UNEP) defined a green economy as “an economy that leads to improved human well-being and social justice while reducing environmental risks and ecological scarcity”. In simple terms, a green economy can be seen as low-carbon, resource-efficient, and socially inclusive.<sup>2</sup> The UN documents note that “the green economy is a broad-based policy agenda and a tool to support the achievement of sustainable development with a focus on aligning economic objectives with social and environmental goals. The green economy agenda recognises the potential of new sustainable technologies and green sectors that can drive a new development path”.<sup>3</sup>

In the UN system, the concepts of “circular economy” and “bioeconomy” are two concepts related to the green economy. The circular economy is a concept with different origins and definitions. The circular economy (hereinafter referred as CE) aims to support the development of regenerative production-consumption systems, where inputs and outputs are minimized by ‘slowing, closing, and narrowing material and energy loops.’<sup>4</sup> It means, that the focus is on minimising waste through resource efficiency, reuse, and recycling. Over the course of the past decade, researchers, businesses, policymakers, and other societal sectors have shown a renewed interest in the concept of CE, which has been shaped by contributions from academia and industry. The concepts of industrial ecology and industrial ecosystems serve as its foundation. At first, the main way that CE was viewed was in terms of cost savings for business and industrial development. But with the advent of the 1960s and growing concerns about pollution and excessive resource consumption, it became important.

In 2015, the European Commission adopted the Closed Loop Economy Package as a major policy initiative. The circular economy supports the transformation and development of industry and infrastructure towards sustainable consumption and production. In 2015, UNEP

<sup>1</sup> The 17 Goals. URL: <https://sdgs.un.org/goals> (accessed on 03.07.2024)

<sup>2</sup> ECE/FAO 2018, Measuring the Value of Forests in a Green Economy, United Nations Economic Commission for Europe, in progress. URL: [https://unece.org/fileadmin/DAM/timber/publications/DP-70\\_WEB.pdf](https://unece.org/fileadmin/DAM/timber/publications/DP-70_WEB.pdf) (accessed on 03.07.2024)

<sup>3</sup> UN Sustainable Development Goals. URL: <https://www.un.org/sustainabledevelopment/ru/sustainable-development-goals> (accessed on 03.07.2024)

<sup>4</sup> Geissdoerfer, M., Savaget, P., Bocken, N.M.P., Hultink, E.J., 2017. The circular economy – a new sustainability paradigm? J. Clean. Prod. 143, 757–768. <https://doi.org/10.1016/j.jclepro.2016.12.048>.

recognised the circular economy as “a key component of an inclusive green economy”.<sup>1</sup> In general, CE places a strong emphasis on maximizing the value inherent in energy and materials, utilizing diversity and resilience, and integrating systems thinking into the processes of production and consumption. Improving the material and energy efficiency of production processes as well as product usage over the course of the product life cycle is necessary to achieve CE. This involves promoting cycles and cascades between various industries or uses, as well as within the same industrial process. The goal is to make sure that resources and energy don't end up in the environment before being put to worse uses.

Rethinking the design of goods and services to increase efficiency, lowering the amount of energy and materials required for manufacturing, and encouraging long-term maintenance and repair are all part of CE solutions. Other strategies include recycling and reclassifying waste into inorganic and biological components, using renewable energy sources, and sharing, reusing, refurbishing, remanufacturing, and repurposing products. Radical perspectives on CE also support a refusal to create unnecessary or duplicate goods and services.

The bioeconomy (hereinafter referred as BE) also addresses concerns about growing resource scarcity, but in this case, it focuses only on biological resources such as agricultural, forestry, and fisheries resources. BE, also known as the ‘bio-based economy’ or ‘knowledge-based bio-economy’, leverages biological resources from land and sea to develop and commercialize goods and services.<sup>2</sup> It seeks to replace activities reliant on fossil fuels with ones powered by living biomass, knowledge-based innovations, and biotechnology. This includes the technology needed to transform biomass into a range of goods, such as fuels and bioenergy, commodities and paper, textiles, chemicals, and medicines. It also entails developing novel or more sophisticated pharmaceuticals, improving crop performance through genetic engineering, and coming up with solutions for wastewater purification and bioremediation. It emphasises a shift towards the optimal and sustainable use of renewable biological resources such as materials and bioenergy. In 2012, the European Commission adopted the Bioeconomy Strategy, centred on innovation and technology development.<sup>3</sup> From a simple perspective, the BE can be seen as referring to the biomass-based sectors of the green economy, while the CE is related to the more abiotic sectors of the green economy, such as industry and manufacturing. Although BE is policy-driven, it is well-received at the industrial level, particularly in the forest and agricultural sectors, where it acts as a catalyst for innovation and development.

The concept of the green economy has sparked much debate in political life and academic research. Opponents argue that “the concept of a green economy is just a myth made to be true”. Rational neoliberals have defined this process as “simply the result of wishful thinking”.<sup>4</sup> Moreover, environmental economics, feminist economics, postmodernism, resource-oriented economics, environmental economics, anti-consumerism, anti-globalism, green anarchism, green politics, the theory of international relations, and other concepts pertaining to sustainable development and green economy issues are all included in the concept of the “green economy”.

However, the concept of a green economy came later than the concept of a sustainable economy. A green economy is an economy that “leads to improved human well-being and

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<sup>1</sup> UNECE. Green Economy related concepts URL: <https://unece.org/green-economy-3#:~:text=A%20circular%20economy%20supports%20the,of%20an%20inclusive%20green%20economy%E2%80%9D>. (accessed on 01.07.2024)

<sup>2</sup> McCormick, K., Kautto, N., 2013. The bioeconomy in Europe: an overview. *Sustain.* 5, 2589–2608. ISSN 2071-1050

<sup>3</sup> European Commission, Directorate-General for Research and Innovation, A bioeconomy strategy for Europe – Working with nature for a more sustainable way of living, Publications Office, 2013, <https://data.europa.eu/doi/10.2777/17708>

<sup>4</sup> Gupta J., Sanchez N. Global green governance: Embedding the green economy in a global green and equitable rule of law polity //Review of European Community & International Environmental Law. – 2012. – T. 21. – №. 1. – P. 12-22. ISSN 0962-8797

social justice while significantly reducing environmental risks and ecological scarcity”.<sup>1</sup> A green economy involves low carbon emissions, efficient use of resources, and social inclusion. The most crucial long-term objective is still sustainable development, but getting there will require turning the economy green. The three pillars of development—economic, social, and environmental—are given a thorough relationship under the sustainable development model. The goal of the environmental economic growth concept is to bring these three elements into greater harmony so that every nation, regardless of development level, can support it.

Human progress has always hinged on our technical ingenuity and capacity for cooperative action. These qualities have often been leveraged constructively to achieve both development and environmental progress, such as in controlling air and water pollution and increasing the efficiency of material and energy use. Many countries have succeeded in boosting food production and reducing population growth rates, and some technological advances, particularly in medicine, have been widely shared.

Many developed countries promote the concept of a “green economy” and consider it a basis for anti-crisis regulation. National programmes to upgrade environmental and technological bases, increase production efficiency, and resource conservation have been designed to improve the economic climate in the state. Successful implementation of state programmes of green transition will depend mainly on the political will, development of regulatory and institutional frameworks, and financing of traditional sectors of the economy.

Improving the green economy in a country, particularly within government frameworks, involves a structured, multi-stage process. Each stage addresses different aspects of natural resource management and landscape object optimization to promote sustainability and environmental health. Pyliavskiy proposed the stages of the process of improving the green economy in the country. They include:<sup>2</sup>

#### Stage 1: Analysis of the Current Situation

This initial stage involves a comprehensive analysis of the current state of the green economy, focusing on the management of natural resources and landscape objects. The goal is to identify problematic areas and potential opportunities for improvement. Key activities include: conducting a thorough examination of existing policies and practices; identifying gaps and inefficiencies in current management systems; highlighting prospects for enhancing processes and mechanisms related to natural resources and landscape management.

#### Stage 2: Introduction to Optimized Management

At this stage, optimized management strategies for natural resources and landscape objects are implemented at both the state and regional levels. Efforts are concentrated on aligning primary measures to enhance the green economy within the framework of public administration. Key activities include: introducing improved management practices and policies; ensuring coordination between different government levels and departments; monitoring the implementation process to assess immediate impacts; noting that this stage is not final, as it necessitates a follow-up assessment to evaluate the effectiveness of the implemented measures.

#### Stage 3: Analysis of Emerging Problems

During this stage, an in-depth analysis of any problems or challenges that arise from the optimization efforts in Stage 2 is conducted. The objective is to identify issues that hinder progress and develop solutions. Key activities include: assessing difficulties encountered during the optimization process; evaluating the impact of these challenges on overall goals; formulating necessary adjustments and improvements based on the analysis.

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<sup>1</sup> ECE/FAO 2018, Measuring the Value of Forests in a Green Economy, United Nations Economic Commission for Europe, in progress. URL: [https://unece.org/fileadmin/DAM/timber/publications/DP-70\\_WEB.pdf](https://unece.org/fileadmin/DAM/timber/publications/DP-70_WEB.pdf) (accessed on 03.07.2024)

<sup>2</sup> Pyliavskiy I. et al. Modeling ways of improving green economy and environmental protection in the context of governance // Business: Theory and Practice. – 2021. – T. 22. – №. 2. – P. 310-317. ISSN 1648-0627



#### Stage 4: Consolidation and Adaptation of Results

The final stage involves the generalization and consolidation of the results obtained from previous stages, adapting them to the current societal realities. This stage aims to create a cohesive and adaptable paradigm for improving the green economy. Key activities include: systematizing the results from earlier stages; forming a holistic and flexible model for green economy enhancement; ensuring the model is adaptable for implementation in various contexts and countries.

Each stage of this process represents a complex and interconnected set of actions. By systematically addressing each phase, governments can effectively improve their green economies, optimize resource management, and adapt to evolving environmental and societal needs.

**SDGs and global warnings:** Globalisation has played an important role in the issues under research. Globalisation has had a huge impact on the way of life of people and the development of nations in general. Globalisation has increased communication, accelerated access to technology, and increased innovation. Globalisation has also ushered in a new era of economic prosperity, created wide channels of development, and played an important role in bringing people of different cultures together. On the other hand, globalisation has created many problems, the most important of which is the impact on the environment. Globalisation has become a major topic of environmental debate. Environmentalists emphasise the far-reaching consequences of these processes. However, with growth and prosperity, the environmental consciousness of individuals and society is also growing. This gives hope and makes the main argument in favour of working to reduce environmental damage. Failures to manage the environment and sustain development threaten to overwhelm all countries. Environmental and developmental challenges are inextricably linked; one cannot thrive without the other. Development cannot continue on a deteriorating environmental resource base, and the environment cannot be protected when growth overlooks the costs of environmental destruction. Addressing these issues requires integrated solutions, as fragmented institutions and policies are ineffective.

Various chemicals have been added to the soil due to globalisation and industrialisation, leading to the emergence of many noxious weeds and plants. By disturbing the genetic composition of plants, toxic wastes have caused considerable damage to agriculture. All this has put pressure on easily accessible land and water resources. In many countries, different land surfaces are being affected. For example, mountain surfaces are being disturbed to make way for a passing tunnel or motorway. Huge tracts of desert land have been taken over to build new structures. Plastic, which is non-biodegradable, has been identified in several studies as one of the most harmful pollutants.<sup>1</sup> On the other hand, plastic is extensively used for packaging and preserving products for export. As a result, the use of plastic has increased dramatically, resulting in widespread pollution. Researchers cannot agree on the best way to quantify globalisation and its impact on environmental degradation in developing countries.

Global warming and other environmental problems are becoming extremely important, and globalisation and the growth of world trade with a glut of consumer goods are exacerbating the situation. There are many ways to stop the effects of global warming:

1) End deforestation and plant more trees; this is by far the easiest way to protect the world from the dangers of global warming. The main problem with global warming is the large-scale accumulation of carbon dioxide in the atmosphere. On the other hand, planting trees can help absorb this toxic gas, regulate the amount of it in the atmosphere, and reduce global warming by reducing the greenhouse effect.

2) Reuse and recycle goods: reusing and recycling the many products that people use daily can also help in the fight against global warming. For example, recycling paper will

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<sup>1</sup> UNEP, The Economics of Ecosystems & Biodiversity (2008); UNEP, Reforming Energy Subsidies Opportunities to Contribute to the Climate Change Agenda URL: <https://wedocs.unep.org/bitstream/handle/20.500.11822/7754/-Reforming%20Energy%20Subsidies-2002150.pdf?sequence=3&isAllowed=> (accessed on 05.05.2024)

ensure that large-scale cutting of trees for paper production is stopped, and these trees will in turn absorb carbon dioxide from the atmosphere and reduce global warming.

3) Use of organic products. One of the most effective strategies to combat global warming is to encourage the use of organic products. Organic soils have a much greater ability to absorb carbon dioxide than conventionally cultivated soils. It is estimated that switching to sustainable agriculture for food production could reduce CO<sub>2</sub> emissions by £580 billion.

4) Efficient use of transport vehicles. Vehicles emit significant amounts of carbon dioxide into the atmosphere, making them a major source of pollution. People can work towards reducing pollution significantly by adapting modern technology.

5) Utilising alternative energy sources: switching to renewable energy sources such as solar and wind power is one of the most discussed solutions to global warming. These natural resources can simply provide energy and replace fossil fuels. Simply giving up fossil fuels would help reduce the huge amount of carbon dioxide emitted into the sky every day.

The European Commission has adopted a series of proposals to ensure that the EU's climate, energy, transport, and tax policies are consistent with reducing net greenhouse gas emissions by at least 55 per cent by 2030 compared to 1990 levels.<sup>1</sup>

“The EU Green Deal” is a roadmap to a sustainable economy to ensure the resilience of the EU economy by turning climate and environmental challenges into opportunities in all policy areas and ensuring a fair and inclusive transition. The European Green Deal aims to improve resource efficiency by moving towards a clean, circular economy, halting climate change, restoring biodiversity loss, and reducing pollution. It describes the necessary investments and available financing instruments, and it explains how to ensure a just and inclusive transition. The European Green Deal covers all sectors of the economy, especially transport, energy, agriculture, construction, and industries such as steel, cement, ICT, textiles, and chemicals.<sup>2</sup>

The Republic of Moldova has incorporated the priorities of international strategies in the field of the green economy concept and is making every effort to ensure the transition to green economic development. The Republic of Moldova has established the Environmental Strategy for 2024-2030, which defines national and sectoral priorities in the fields of agriculture, transport, energy, industry, construction, regional development, education, and supply. Thus, in the Republic of Moldova, the green economy is promoted as an economy that leads to improved welfare and social justice and reduces environmental risks and constraints. It is a low-carbon economy, resource-efficient, and socially inclusive. On June 17, 2015, through General Order No. 107/66 of the Ministry of Environment and the Ministry of Economy, an inter-ministerial Working Groups was established to promote sustainable development.

The urgent need to address Earth's climate issues and human interaction with them in order to ensure global sustainability results in green governance. Green public governance is crucial for ensuring sustainable development and preserving natural resources for future generations. In the context of good democratic governance, it includes citizen participation, transparency, accountability, and compliance with laws directed at protecting the environment. Green governance offers a structure for incorporating different players into group decisions and activities. This strategy involves a wide range of public, private, and non-state actors operating at all levels, from the local to the global, in addition to states and governments.<sup>3</sup> Green governance plays a crucial role in helping governments and other stakeholders achieve

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<sup>1</sup> Project Europe 2030. URL: <https://www.consilium.europa.eu/media/30776/qc3210249enc.pdf> (accessed on 21.06.2024)

<sup>2</sup> European Commission, Directorate-General for Research and Innovation, A bioeconomy strategy for Europe – Working with nature for a more sustainable way of living, Publications Office, 2013, <https://data.europa.eu/doi/10.2777/17708>

<sup>3</sup> Debbarma J., Choi Y. A taxonomy of green governance: A qualitative and quantitative analysis towards sustainable development //Sustainable Cities and Society. – 2022. – T. 79. – C. 103693. ISSN 2210-6707

the globally agreed-upon goals for sustainable development by bringing in a wider range of participants.

**Environmental management concepts:** Environmental management refers to decision-making processes related to the control and management of the environment and natural resources. The International Union for Conservation of Nature (IUCN) defines environmental governance as follows: 'Environmental governance involves a multi-level interaction (i.e., local, national, international, or global) among three main actors: the state, the market, and civil society. These actors interact with each other, whether in a formal or informal manner, in the development and implementation of policies responding to environmental needs and societal contributions. Environmental governance pertains to rules, procedures, processes, and generally accepted behaviour, embodying the principles of "good governance," all aimed at achieving environmentally sustainable development.<sup>1</sup>

The basic principles of environmental management include taking the environment into account at all levels of decision-making and action. They also involve conceptualizing cities and communities, economic and political life as a subset of the environment, and emphasizing the connection between people and the ecosystems in which they live. Additionally, these principles facilitate the transition from open-cycle or cradle-to-grave systems, such as waste disposal without recycling, to closed-cycle or cradle-to-cradle systems, like permaculture and zero waste strategies.

The basic Principles of Green Public Governance:

- Transparency and accountability (transparent decision-making): All environmental decisions should be open to the public, allowing citizens and organisations to participate in the process.
- Accountability of public authorities: Authorities should be held responsible for their actions in the field of environmental protection, ensuring that their performance is monitored and evaluated.
- Participation of citizens and public organisations (public consultations and discussions): Involvement of citizens in the decision-making process through public discussions and consultations. Support for NGOs and environmental movements: The state should support environmental NGOs and citizens' initiatives by providing them with platforms for expressing opinions and proposals.
- Innovation and Sustainable Development (Investment in Green Technologies): Supporting the development and implementation of environmentally friendly technologies and renewable energy sources.
- Sustainable Development Programmes: Developing and implementing strategies and programmes aimed at sustainable use of natural resources and reduction of negative environmental impact.

**European best practices** that may be useful for other countries striving for environmentally sustainable governance.

*Scandinavian (Nordic) countries (Sweden, Denmark, and Norway, etc.).* The Nordic nations have long been leaders in the field of sustainable social development. The foundational ideas of the Nordic welfare model include the promotion of health and well-being, justice, equality, equality, low levels of corruption, respect for human rights, and good governance.<sup>2</sup>

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<sup>1</sup> European Commission, Directorate-General for Research and Innovation, A bioeconomy strategy for Europe – Working with nature for a more sustainable way of living, Publications Office, 2013, <https://data.europa.eu/doi/10.2777/17708>

<sup>2</sup> The Nordic Countries In The Green Transition – More Than Just Neighbours. URL: <https://norden.diva-portal.org/smash/get/diva2:1197618/FULLTEXT01.pdf> (accessed on 15.06.2024)

In line with the objectives of the 2030 Agenda, the Nordic Strategy for Sustainable Development acts as the broad, cross-sectoral framework that directs the activities of the Nordic Council of Ministers. The economic, social, and ecological facets of sustainable development are recognised as three connected dimensions of this strategy.

The Nordic nations exhibit a strong dedication to cooperative endeavors concerning environmental and climate-related matters, effectively incorporating this endeavor into their domestic ministries and agencies. Nordic cooperation makes it easier for participants to share networks, insights, and knowledge—all of which are extremely valuable. The Nordic countries, which are connected by geography, culture, and economy, gain from mutual learning and the capacity to enhance one another's skills and resources.

Even though Nordic cooperation has proven to be effective in addressing climate change and the environment, it is still largely unknown outside of the region. However, outside parties acknowledge that the Nordic nations have a great opportunity to set an example and work together to promote particular environmental and climate-related issues on global forums. The Nordic cooperation has a discernible tendency towards emphasizing knowledge production, which has significantly contributed to understanding a range of environmental and climate-related issues. The knowledge that has been produced encourages public discussion and supports early policy development.

Nordic cooperation on environmental and climate issues addresses a wide range of relevant themes, from wetland protection to circular economy business models, benefiting multiple sectors. The primary motivation for Nordic efforts in these areas must be the ambitious aspiration to achieve the goals of the Paris Agreement on climate and the environment, as well as the UN Sustainable Development Goals (SDGs).

Their best practices are:

- **Renewable energy:** There is a significant focus on the development of renewable energy sources such as wind and solar energy.
- **Zero Waste Policy:** Introduction of strict regulations and recycling programmes to help minimise the amount of litter.

*Germany:* Since 2016, the German Sustainable Development Strategy has been aligned with the 17 global goals of the 2030 Agenda. This strategy's goals require a major transformation, which is why the Federal Government is acting in critical sectors like housing, transportation, food, agriculture, the energy sector, the circular economy, and climate protection.<sup>1</sup>

In September 2019, Heads of State and Government acknowledged at the SDG Summit that the Sustainable Development Goals (SDGs) outlined in the 2030 Agenda could not be reached if current implementation trends remained unchanged. Effective progress on sustainability, including climate protection, is imperative during the Decade of Action.

Germany intends to cut its greenhouse gas emissions by at least 65% from 1990 levels by 2030, in accordance with decisions made by the European Union and a recent decision by the German Federal Constitutional Court. By 2045, the German Federal Government hopes to attain neutrality in greenhouse gas emissions by setting annual reduction targets.

The coalition agreement of the Federal Government emphasizes the need to change a number of facets of the economy and society. The German government, under the direction of the Federal Chancellery, approved a new sustainability strategy in March 2021 that outlined revolutionary policies and actions in six areas to produce quantifiable advancements. Three levels of pursuit are involved with these policies and measures: on implementation and effect in Germany, on international impact and on supporting partner countries.

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<sup>1</sup> Report on the implementation of the 2030 Agenda for sustainable development. Germany. URL: [https://sustainabledevelopment.un.org/content/documents/279522021\\_VNR\\_Report\\_Germany.pdf](https://sustainabledevelopment.un.org/content/documents/279522021_VNR_Report_Germany.pdf) (accessed on 15.06.2024)

Germany is progressing positively, currently generating approximately 43 percent of its electricity from renewable energy sources, significantly reducing greenhouse gas emissions.

Germany's best practices are:

- Energy transition (Energiewende): A programme to gradually shift to renewable energy sources and away from coal and nuclear power.
- Environmental Education: Introduction of environmental programmes and initiatives into the educational system, which contributes to the formation of an environmentally responsible society.

*France:* A high standard of living and good quality of life have been attained in France, thanks to policies that guarantee universal access to healthcare, basic goods and services like energy, water, and nutritious food, as well as inclusive social protection programmes like minimum social benefits, unemployment insurance, and redistributive measures. The nation has also established strong public and private infrastructures in the areas of innovation and research, communication, transportation, and cultural heritage.<sup>1</sup>

France has established an Interministerial Representative for Sustainable Development and a General Commissioner for Sustainable Development in an effort to take the lead in accomplishing the Sustainable Development Goals (SDGs). This leadership culminated in the country's inaugural SDG report and the subsequent development of a national action plan. To promote citizen ownership of the SDGs, this plan consists of public engagement initiatives, public policy directives for sustainable development, governmental measures, and support for economic stakeholders.

Climate policy: Active participation in international climate agreements and development of national programmes to reduce greenhouse gas emissions.

The country has long set a high priority on sustainable transport, as seen by urban design plans that give pedestrian and bicycle-friendly areas a top priority. Moreover, France has made significant investments in the infrastructure of public transport, with a focus on electric buses and trains. In addition to these initiatives, the government has implemented tax breaks to promote the purchase of hybrid and electric cars, and to gradually cease to sell petrol and diesel vehicles by 2040. These programmes seek to reduce air pollution and encourage environmentally friendly transportation options across the nation.

France's best practice is agriculture sector support, which includes the development of organic agriculture through subsidies and support for farmers adopting sustainable practices.

*Netherlands:* Since the adoption of the Sustainable Development Goals (SDGs) in 2015, the Netherlands has pursued a comprehensive approach to integrating action across all 17 goals. Emphasizing environmental priorities, the country's national agenda focuses on energy transition, climate action, and the enhancement of environmental protection and biodiversity to address current and future environmental challenges.

The Netherlands has emerged as a global leader in sustainable practices in recent years, demonstrating a strong commitment to environmentally friendly initiatives in day-to-day living. This commitment is seen in housing, lighting, and transportation, where efforts to cut carbon emissions are being led by a significant rise in electric vehicles. The focus of housing solutions is on smart technologies and energy efficiency, which improve sustainability. The widespread use of energy-efficient lighting is a sign of a larger cultural movement towards more ecologically friendly decisions. All things considered, these initiatives put the Netherlands at the forefront of the world's sustainability movement and show its dedication to a resilient and ecologically conscious future.

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<sup>1</sup> Report on the implementation by France of the Sustainable Development Goals. URL: <https://www.consilium.europa.eu/media/30776/qc3210249enc.pdf> <https://sustainabledevelopment.un.org/content/documents/10726Report%20SDGs%20France.pdf> (accessed on 21.06.2024)

With a focus on environmental stewardship, the Netherlands is poised to inspire positive change and drive continuous improvement. As the country advances towards sustainability, its dedication to a greener future promises transformative impact across sectors, contributing to a more sustainable and resilient global community.

Netherlands' best practices are:

- **Water management:** An example of efficient water management and flood defence through innovative infrastructure projects.
- **Urban Ecology:** Developing green cities with a focus on public transport, cycle paths and urban parks.

### ***Conclusions:***

Environmental stresses and economic development patterns are intertwined. Agricultural policies can lead to land, water, and forest degradation. Energy policies contribute to the global greenhouse effect, acidification, and deforestation for fuelwood in many developing nations.<sup>1</sup> These stresses threaten economic development. Therefore, economics and ecology must be fully integrated into decision-making and lawmaking processes to protect and promote both the environment and development. The economy is not solely about wealth production, and ecology is not solely about nature protection; both are essential for improving human well-being. A green economy is one that aims for sustainable development without degrading the environment. It is characterized by low carbon emissions, resource efficiency, and social inclusivity. Transitioning to a green economy involves a holistic approach that integrates environmental sustainability with economic and social goals.

- **Economic Growth and Environmental Sustainability Can Coexist:** A green economy demonstrates that economic growth does not have to come at the expense of the environment. By adopting sustainable practices, economies can grow while preserving natural resources for future generations.

- **Investment in Green Technologies and Infrastructure:** Investments in renewable energy, sustainable agriculture, and green infrastructure are crucial for the transition to a green economy. These investments create jobs, reduce environmental impact, and foster innovation.

- **Policy Support and Regulatory Frameworks:** Effective policies and regulatory frameworks are essential to guide and support the transition to a green economy. This includes incentives for green investments, subsidies for renewable energy, and regulations that enforce environmental standards.

- **Inclusive Growth and Social Equity:** A green economy must be inclusive, ensuring that all segments of society benefit from sustainable development. Policies should address social equity by providing opportunities for marginalized communities and ensuring fair distribution of resources.

- **Market Mechanisms and Financial Instruments:** Market mechanisms such as carbon pricing, green bonds, and environmental taxes can drive the green economy by internalizing environmental costs and incentivizing sustainable practices.

Good environmental governance involves the processes and institutions that guide how decisions about the environment are made and implemented. It includes transparency, accountability, inclusiveness, and the rule of law. The transition to a green economy and the establishment of good environmental governance are interlinked and mutually reinforcing. Together, they provide a pathway to sustainable development that balances economic growth with environmental protection and social equity.

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<sup>1</sup> Report of the World Commission on Environment and Development: Our Common Future. URL: <https://sustainabledevelopment.un.org/content/documents/5987our-common-future.pdf> (accessed on 27.05.2024)

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<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.04>





Revista Moldovenească de Drept Internațional și Relații Internaționale /  
Moldavian Journal of International Law and International Relations /  
Молдавский журнал международного права и международных отношений

2024, Issue 2, Volume 19, Pages 65-73.

ISSN 1857-1999 EISSN 2345-1963

Submitted: 15.04.2024 | Reviewed: 12.05.2024 | Accepted: 20.05.2024 | Published: 15.07.2024

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.05>

**COMUNICĂRI ȘTIINȚIFICE**  
**THE SCIENTIFIC COMMUNICATIONS**  
**НАУЧНЫЕ СООБЩЕНИЯ**

**LEGAL COOPERATION OF STATES IN THE FIELD OF  
SOCIAL SECURITY IN ORDER TO ACHIEVE THE UN SDGs**

**COOPERAREA JURIDICĂ A STATELOR ÎN DOMENIUL  
SECURITĂȚII SOCIALE PENTRU REALIZAREA ODD-urile ONU**

**ПРАВОВОЕ СОТРУДНИЧЕСТВО ГОСУДАРСТВ  
В ОБЛАСТИ СОЦИАЛЬНОГО ОБЕСПЕЧЕНИЯ  
В ЦЕЛЯХ ДОСТИЖЕНИЯ ЦУР ООН**

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ABSTRACT:

**LEGAL COOPERATION OF STATES IN THE FIELD OF SOCIAL SECURITY  
IN ORDER TO ACHIEVE THE UN SDGs**

*The article examines some areas and forms of cooperation between states in the legal sphere of regulating relations in the field of social security and social protection. Considering the implementation by states of comprehensive social policy measures aimed at achieving the UN Sustainable Development Goals, we can talk about the presence of common vectors and general trends both at the international and regional levels to improve the level of social protection. The most urgent is the adoption of measures, mainly legal, to ensure that all states provide minimum standards of social security to ensure a decent standard of living and quality of life. Issues of international legal cooperation in the regulation of social security are considered in relation to the Sustainable Development Goals, as well as in relation to the standards and norms established at the UN and ILO levels. Proposals have been formulated for taking legal measures to improve the efficiency of social security regulation at the national and international levels.*

**Keywords:** social security; cooperation between states; effective legal regulation.

**JEL Classification:** K 1; K 33

**Universal Decimal Classification:** 349.3(4/9)

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.05>

REZUMAT:

**COOPERAREA JURIDICĂ A STATELOR ÎN DOMENIUL SECURITĂȚII SOCIALE  
PENTRU REALIZAREA ODD-urile ONU**

*Lucrarea examinează unele domenii și forme de cooperare între state în sfera juridică a reglementării relațiilor în domeniul securității sociale și protecției sociale. Având în vedere implementarea de către state a măsurilor cuprinzătoare de politică socială care vizează atingerea*

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*Obiectivelor ONU de Dezvoltare Durabilă, se poate vorbi despre prezența vectorilor comuni și a tendințelor generale atât la nivel internațional, cât și regional pentru îmbunătățirea nivelului de protecție socială. Cea mai urgentă este adoptarea unor măsuri, în principal legale, pentru a se asigura că toate statele asigură standarde minime de securitate socială care să asigure un nivel de trai decent și o calitate a vieții. Problemele cooperării juridice internaționale în reglementarea securității sociale sunt luate în considerare în raport cu Obiectivele de Dezvoltare Durabilă, precum și în raport cu standardele și normele stabilite la nivelul ONU și OIM. Au fost formulate propuneri pentru luarea de măsuri legale pentru îmbunătățirea eficienței reglementării securității sociale la nivel național și internațional.*

**Cuvinte cheie:** securitate socială; cooperarea între state; reglementare legală efectivă.

**JEL Classification:** K 1; K 33

**CZU:** 349.3(4/9)

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.05>

РЕЗЮМЕ:

### ПРАВОВОЕ СОТРУДНИЧЕСТВО ГОСУДАРСТВ В ОБЛАСТИ СОЦИАЛЬНОГО ОБЕСПЕЧЕНИЯ В ЦЕЛЯХ ДОСТИЖЕНИЯ ЦУР ООН

*В статье рассматриваются некоторые направления и формы сотрудничества между государствами в правовой сфере регулирования отношений в области социального обеспечения и социальной защиты. Учитывая реализацию государствами комплексных мер социальной политики, направленных на достижение Целей устойчивого развития ООН, можно говорить о наличии общих векторов и общих тенденций как на международном, так и на региональном уровне для улучшения уровня социальной защиты. Наиболее актуальным является принятие мер, в основном правовых, по обеспечению всеми государствами минимальных стандартов социального обеспечения для обеспечения достойного уровня жизни и качества жизни. Вопросы международно-правового сотрудничества в регулировании социального обеспечения рассматриваются применительно к Целям устойчивого развития, а также применительно к стандартам и нормам, установленным на уровнях ООН и МОТ. Сформулированы предложения по принятию правовых мер по повышению эффективности регулирования социального обеспечения на национальном и международном уровнях.*

**Ключевые слова:** социальное обеспечение; сотрудничество государств; эффективное правовое регулирование.

**JEL Classification:** K 1; K 33

**УДК:** 349.3(4/9)

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.05>

### Introduction

In today conditions, the Republic of Moldova, as a candidate for membership of the European Union, a full member of the UN, is taking measures to improve the quality of legal and social support for the population. Such measures are based on constitutional provisions<sup>1</sup> on the priority of respect and protection of human rights, as well as international norms and standards implemented in national legislation or otherwise recognized as part of the legal system of our state. As noted in scientific studies conducted by international organizations “...the recognition of the right to social security has been developed through universally negotiated and accepted instruments that establish social security as a basic social right to which every human being is entitled. In this way, the right to social security has been enshrined in several human rights instruments adopted by the United Nations, and is expressly formulated as such in fundamental human rights instruments, namely the Universal

<sup>1</sup> Constitution of the Republic of Moldova (1994). [Online]: URL: [https://www.legis.md/cautare/getResults?doc\\_id=17055&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=17055&lang=ro#) (Date of visit: 14.04.2024).

Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR)”<sup>1</sup>.

As indicated by the Office of the United Nations High Commissioner for Human Rights, the main basic elements of the right to social security are the following<sup>2</sup>: Accessibility, which implies the ability to exercise one’s right in the event of a difficult life situation, need, social risk, outside help and support. At the same time, in our opinion, when talking about accessibility, attention should be paid to the person’s awareness of the possibility of receiving help and support. At the same time, in our opinion, when talking about accessibility, attention should be paid to the person’s awareness of the possibility of receiving help and support. Also, considering accessibility as a principle of social security, we should talk about the possibility of realizing one’s rights both within the framework of social insurance relations and in the absence of it. Article 47 of the Constitution of the Republic of Moldova “Right to social security and protection” enshrines the duty of the state to take measures to ensure that every person has a decent standard of living necessary to maintain the health and well-being of himself and his family, including food, clothing, housing, medical care and necessary social services (Part 1).<sup>3</sup>The constitutional right to social security is not conditioned by the fact of insurance. It is obvious that there is a fair differentiation of the volume of social security depending on the fact of insurance.

### **Legal cooperation of states in the field of social security**

An aspect of social security such as adequacy deserves attention. We are talking about the ratio of the size of cash payments - pensions, benefits, compensation in cash or in kind, and the standard of living in the state. In addition to the size, the duration of social payments is indicated.

The social security criterion of accessibility presupposes, first, coverage: all people should be covered by the social security system, especially the most disadvantaged and marginalized groups, without discrimination<sup>4</sup>. To achieve universal coverage, non-contributory schemes are needed. This is the position of international structures, which is reflected in the national legislation of the Republic of Moldova.

However, the principle of differentiation of social security presupposes the unconditional consideration of one’s own contribution to the financing of social security. And for persons who are not subject to the general provisions of the Law of the Republic of Moldova No. 419/2023 on the budget state social insurance for 2024, it is possible to be insured on the basis of an individual agreement concluded with the National Social Insurance Office<sup>5</sup>. Another criterion of accessibility, along with coverage, is “eligibility for benefits.” The international legal approach in this case implies the reasonableness of the conditions for receiving benefits. Obviously, in relation to this right, we mean proportionality and transparency, and we are talking about clear legislative regulation of the amounts, timing and procedure for paying benefits and other social payments. At the same time, it should be noted that the international norm delineates the boundaries - i.e. There are no minimum guarantees, but the norms of national legislation determine the specific conditions for the implementation of rights to the corresponding type of social security. Affordability, as interpreted by the UN OHCHR,

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<sup>1</sup> Quoted from: Building social protection systems: International standards and human rights instruments International Labour Office – Geneva: ILO, 2021. [Online]: URL: [https://www.ilo.org/wcmsp5/groups/public/-ed\\_protect/---soc\\_sec/documents/publication/wcms\\_651219.pdf](https://www.ilo.org/wcmsp5/groups/public/-ed_protect/---soc_sec/documents/publication/wcms_651219.pdf) (Date of visit: 14.04.2024).

<sup>2</sup> УВКПЧ и право на социальное обеспечение. [Online]: URL: <https://www.ohchr.org/ru/social-security> (Date of visit: 14.04.2024).

<sup>3</sup> Constitution of the Republic of Moldova (1994). [Online]: URL: [https://www.legis.md/cautare/getResults?doc\\_id=17055&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=17055&lang=ro#) (Date of visit: 14.04.2024).

<sup>4</sup> УВКПЧ и право на социальное обеспечение. [Online]: URL: <https://www.ohchr.org/ru/social-security> (Date of visit: 14.04.2024).

<sup>5</sup> П. 23 разд. III Приложения к Приказу НКСС РМ №17-А от 05.02.2024 Особенности начисления и перечисления взносов обязательного государственного социального страхования в 2024 году. [Online]: URL: <https://cnas.gov.md/?l=ru>. (Date of visit: 15.04.2024).

implies that the direct and indirect costs associated with making contributions should be affordable for everyone and should not jeopardize the enjoyment of other economic and social rights.

In relation to this characteristic of social security, we will give an example of its manifestation in the legislation of the Republic of Moldova. We are talking about the opportunity and right to social security for foreign citizens, in particular, enterprises/employers have the right to transfer state social insurance contributions only for those foreign workers who have expressed a desire to benefit from social security in the Republic of Moldova (clause 22).<sup>1</sup> In this case, a manifestation of cooperation between states can be called the presence in the Law of the Republic of Moldova 81/2004 on investments in business activities<sup>2</sup>, article 20, which provides for social insurance and social security for employees of enterprises with foreign investment in accordance with legislation of the Republic of Moldova. This legislative provision meets another international legal criterion, that of “participation and information”: beneficiaries of social security programs must be able to participate in the administration of the social security system. “This system should be established in accordance with national legislation and ensure the right of individuals and organizations to seek, receive and disseminate information about all social security rights in a clear and transparent manner.”<sup>3</sup>

As we noted earlier, in modern conditions of globalization and strengthening ties between states, “... the legal basis in the field of social security is bilateral and multilateral international agreements, as well as social standards”<sup>4</sup>. When talking about minimum standards in the field of social security, first of all, it is necessary to note the acts of a specialized UN organization, the International Labor Organization. However, speaking about standards in the area under consideration, it is impossible not to note that the SDGs play a decisive role in the issue of unification of the legal regulation of social security.

In recent years, the legal basis for relations between the Republic of Moldova and foreign countries has been actively formed, including, most actively, with the European Union. The document defining the basis of relations with external entities and the main directions of the country’s development, including in the field of social security of citizens and social protection of the population, is the National Development Strategy “European Moldova - 2030”<sup>5</sup>. as stated in this document, it “adapts to the national context the priorities, goals, indicators and targets of the international obligations assumed by the Republic of Moldova, in particular the Association Agreement between the Republic of Moldova, on the one hand, and the European Union and the European Atomic Energy Community and their Member States, on the other, and the obligations arising from the status of a candidate country for accession to the European Union, including the 2030 Agenda for Sustainable Development”<sup>6</sup>.

For most EU member states, the most pressing issue that determines the direction of development of legislation and policy in the field of social security is the problem of population aging. Along with the ongoing migration of the economically active population, aging and, consequently, a decrease in the number of economically active population are

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<sup>1</sup> Приложение к Приказу НКСС РМ №17-А от 05.02.2024 Особенности начисления и перечисления взносов обязательного государственного социального страхования в 2024 году. [Online]: URL: <https://cnas.gov.md/?l=ru>. (Date of visit: 15.04.2024).

<sup>2</sup> Закон Несублики Молдова Nr. 81от 18.03.2004 об инвестициях в предпринимательскую деятельность Опубликован : 23.04.2004 в Monitorul Oficial Nr. 64-66, статья № : 344. [Online]: URL: [http://lex.justice.md/document\\_rus.php?id=3945BA41:F4D9D4AE](http://lex.justice.md/document_rus.php?id=3945BA41:F4D9D4AE) . (Date of visit: 15.04.2024).

<sup>3</sup> УВКПЧ и право на социальное обеспечение. [Online]: URL: <https://www.ohchr.org/ru/social-security> (Date of visit: 14.04.2024).

<sup>4</sup> Sciuchina N. International Legal Principles Of Cooperation In The Field Of Social Security. In: Moldavian Journal of International Law and International Relations. Nr. 1 (Vol. 18), 2023. p. 11.

<sup>5</sup> Law of the Republic of Moldova No. 315 of 11/17/2022 on the approval of the National Development Strategy “European Moldova – 2030”. Published: 21-12-2022 in Monitorul Oficial No. 409-410 article No. 758

<sup>6</sup> Section 1 of the National Development Strategy “European Moldova – 2030”. Published: 21-12-2022 in Monitorul Oficial No. 409-410 article No. 758

serious challenges for the social protection system. The ratio between the number of people making contributions to the pension system and the number of pension recipients is decreasing. For the period 2010–2020 the number of insured persons increased by only 4 percent, and the number of recipients of old-age pensions by 15 percent. In the context of a decline in the real income base that forms the resources of the pension system, the level of pensions remains low<sup>1</sup>.

As is known, the social security system in the Republic of Moldova is based on the principles of social and health insurance, along with social assistance. At the same time, it is obvious that a decrease in the number of economically active population in the labor market inevitably leads to a reduction in the receipt of funds for social payments, mainly pension payments - labor and social pensions. In these conditions, the experience of foreign countries in providing social benefits and maintaining social protection at a decent level acquires practical interest and importance. In this regard, it should be noted, firstly, the existence of existing agreements on legal support on social security issues. The Republic of Moldova is a party to more than 20 bilateral agreements and a signatory to more than 10 Protocols on cooperation in the field of social insurance.<sup>2</sup>

Considering the current situation in the field of social security through the prism of achieving the Sustainable Development Goals, it should be noted, along with the interdependence and interconnection of practically all SDGs and the target for their achievement, a number of other points. Taking into account the above about the threats to the social security system, it is necessary to concentrate the state's efforts on measures of economic support for business entities. Today, enough programs are aimed at activating the sphere of small business, developing individual entrepreneurship, social entrepreneurs are emerging as a qualitatively new type of participant in economic processes. Below we show some data from Progress report on the implementation of the 2030 Agenda for Sustainable Development in the Republic of Moldova in 2023. The Republic of Moldova has taken steps to improve sustainable economic development and growth decent jobs. Through the Ministry of Economic Development and Digitalization (MDED), the government has committed to supporting economic growth per capita to stimulate an annual GDP growth of cellittle more than 3% per year, in line with target 8.1. The national objective is to achieve an annual growth rate of GDP per capita of 7.5% by 2030. The measures adopted involved updating and approving some programs aimed at simplifying the regulatory framework to improve the business climate, creating multifunctional platforms for attracting investments, supporting businesses and start-ups with high potential for growth, development and digital transformation of small and medium-sized enterprises, upgrading and increasing their energy efficiency, as well as supporting young people through the Program Start for young people. The existence of safe financial services and of quality is important for attracting investment, including from Moldovan migrants, in view capitalizing on remittances for the development of the country.<sup>3</sup>

The labor market and the increase in jobs, primarily for young people, is an area of activity in the context of the SDGs, within the framework of which close cooperation between states is carried out. Traditional mechanisms of cooperation since the mid-20th century have been transnational companies, investments, and in the last decade, global supply chains. Along with the positive impact on the economy, current trends in the labor market are particularly

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<sup>1</sup> Section 2.8 of the Application to National Development Strategy “European Moldova – 2030”. Published: 21-12-2022 in Monitorul Oficial No. 409-410 article No. 758

<sup>2</sup> According to the National Social Insurance Fund of the Republic of Moldova. [Online]: URL: <https://cnas.md/slidepageview.php?l=ru&idc=525&t=/mejdunarodnie-otnoseniea/cotrudnicectvo-c-mejdunarodnimi-organizatieami&> (Date of visit: 14.04.2024).

<sup>3</sup> Raport de progres privind implementarea Agendei 2030 pentru Dezvoltare Durabilă în Republica Moldova, 2023. [Online]: URL: [https://cancelaria.gov.md/sites/default/files/raport\\_de\\_progres\\_odd\\_2023\\_vf\\_15\\_09\\_2023\\_final.pdf](https://cancelaria.gov.md/sites/default/files/raport_de_progres_odd_2023_vf_15_09_2023_final.pdf) (Date of visit: 14.04.2024).

worrying. As noted in research conducted by the International Labor Organization, "... there is reason to believe that the dynamics of labor and industrial relations within the global economy and individual systems of this kind may undermine decent working conditions."<sup>1</sup> In the ILO Resolution, adopted in 2016, concerning decent work in global supply chains, is mentioned about areas of government cooperation to preserve decent work and ensure rights in the world of work. In particular, paragraph 1 of Article 23 talks about strengthening capacity building and providing technical assistance to members states on labor administration and inspection systems. These actions should also ensure that workers have access to legal remedies, also social security, including social benefits.<sup>2</sup>

Internationalization in the labor market is intensifying the need to modernize approaches to collective bargaining and the involvement of workers in decision-making processes at work. In relation to the tasks of achieving SDG No. 8, for example, the opinion regarding the possibility of active use of technologies for interaction between workers and employers deserves attention. "While ILO and UN human rights instruments and institutions inform and promote this approach to SDG 8, international economic and investment law as well as financial institutions have the capacity to limit its potential. There are, however, positive shifts on the horizon, which include transnational collective bargaining and policy initiatives encompassing state and non-state actors."<sup>3</sup> Of course, we cannot downplay the importance of worker associations, primarily trade unions at various levels, in the process of cooperation to achieve the SDGs. However, unfortunately, after the economic fallout caused by the pandemic, the labor market has not fully recovered. An alarming trend is the reduction of jobs and the transfer of performers to remote work in the format of distance employment or other formats. ILO statistics predict that the number of unemployed people in the world will increase by two million in 2024, pushing the global unemployment rate to 5.2 percent<sup>4</sup>. According to experts, the poverty rate among the working population will increase. As the Report notes, the number of workers living in moderate poverty (earning less than \$3.65 per person per day at purchasing power parity) increased by 8.4 million.<sup>5</sup> It is these indicators that cause concern from the point of view of the possibility of realizing the right to social security. The direct dependence of the amount of wages and social contributions, which form the volume of social support in the case of social risk, shows the threat of reducing the level of social protection of workers under the terms of employment contracts.

Returning to the role of the SDGs, let us present a statement regarding the relationship between global goals, recognizing the significance of each of them. "While all 17 SDGs set out in the 2030 Agenda are equally important, SDG 8, focusing on decent work and sustainable economic growth, is particularly important as it acts as a catalyst for progress on all other SDGs, and especially on targets related to with to innovation, production

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<sup>1</sup> Глобальные цепочки поставок. [Online]: URL: <https://www.ilo.org/w4sd/themes/supply-chains/lang-ru/index.htm> (Date of visit: 14.04.2024).

<sup>2</sup> ILO Resolution concerning decent work in global supply chains. Adopted on 10 June 2016. [Online]: URL: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_497555.pdf/](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_497555.pdf/) (Date of visit: 14.04.2024).

<sup>3</sup> Novitz T. SDG 8: Promote Sustained, Inclusive and Sustainable Economic Growth, Full and Productive Employment and Decent Work for All. In: Ebbesson J, Hey E, eds. The Cambridge Handbook of the Sustainable Development Goals and International Law. Cambridge Law Handbooks. Cambridge University Press; 2022:208-230. [Online]: URL: <https://www.cambridge.org/core/books/abs/cambridge-handbook-of-the-sustainable-development-goals-and-international-law/sdg-8-promote-sustained-inclusive-and-sustainable-economic-growth-full-and-productive-employment-and-decent-work-for-all/6B8F4265C457996B2A1A5468F1B4D506> (Date of visit: 14.04.2024).

<sup>4</sup> International Labor Organization (ILO) report "Global Employment and Social Outlook". [Online]: URL: [https://www.ilo.org/moscow/news/WCMS\\_908260/lang-ru/index.htm](https://www.ilo.org/moscow/news/WCMS_908260/lang-ru/index.htm) (Date of visit: 14.04.2024).

<sup>5</sup> Ibid.

diversification and environmental sustainability”.<sup>1</sup> Confirming the importance of international workers' associations, the author also notes the importance of such a tool as the Global Monitoring of SDG 8. This tool assesses the status of Goal 8 around the world and focuses on four key aspects: economic well-being, job quality, labor vulnerability and labor rights.<sup>2</sup>

### **Conclusions**

In conclusion, considering the prospects for legal cooperation between states to achieve the SDGs in terms of increasing the level of social protection, ensuring the implementation of social rights, and guaranteeing social security, the following should be noted. The difficulties in achieving the SDGs today are especially noticeable, since the economic component of ensuring the right to social security is under difficulties. This is due, first of all, to the protracted global economic crisis, political instability, unilateral revision of international norms and standards, including the withdrawal of states from previously concluded treaties and agreements. States, due to objective reasons, do not fulfill their obligations regarding social protection and social security. Also causing dissatisfaction among those working is the increase in the number of people in need of social support - refugees, people injured as a result of hostilities, etc. Today, artificial intelligence can be called an objective factor influencing the level of social protection. Legal science has not answered the question of whether artificial intelligence is a subject or an object of law, although the UN General Assembly Resolution “Using the capabilities of safe, secure and reliable artificial intelligence systems for sustainable development” was adopted at the international level.<sup>3</sup> In relation to the implementation of social rights, concerns may be caused by an excessive expansion of the use of resources and potential of artificial intelligence in the social sphere, for example, the creation of databases, the development of social indexes, which would limit a person in the implementation of his rights. The reality today is also the replacement of humans in production processes with new technologies. Concerns in this regard are associated with the unpreparedness of many national labor markets to reorient large flows of labor and develop in-demand areas that require human labor.

However, despite the numerous difficulties and threats to achieving the SDGs, the need for joint action and continued joint efforts to achieve them is obvious. International agreements and other options for cooperation still remain relevant, which make it possible to comprehensively analyze existing challenges and develop ways to overcome them.

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<sup>1</sup> Giulia MassobrioAlain Rodríguez. The world is failing to meet SDG 8: how to achieve decent work for all by 2030? [Online]: URL: <https://www.equaltimes.org/the-world-is-failing-to-meet-sdg-8?lang=en> (Date of visit: 14.04.2024).

<sup>2</sup> Ibid.

<sup>3</sup> UN General Assembly Resolution A/78/L.49 “Using the power of safe, secure and reliable artificial intelligence systems for sustainable development”. [Online]: URL: <https://news.un.org/ru/story/2024/03/1450631> (Date of visit: 14.04.2024).

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<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.05>



Revista Moldovenească de Drept Internațional și Relații Internaționale /  
Moldavian Journal of International Law and International Relations /  
Молдавский журнал международного права и международных отношений

2024, Issue 2, Volume 19, Pages 74-94.

ISSN 1857-1999 EISSN 2345-1963

Submitted: 15. 02. 2024 | Accepted: 15.03. 2024 | Published: 15.07. 2024

<https://doi.org/10.61753/1857-1999/2345-1963/2024.19-2.06>

**TRIBUNA DISCUȚIONALĂ  
THE TRIBUNE OF DISCUSSION  
ДИСКУССИОННАЯ ТРИБУНА**

**MINORITIES IN UKRAINE**

**MINORITĂȚILE DIN UCRAINA**

**МЕНЬШИНСТВА В УКРАИНЕ**

BRHLÍKOVÁ Radoslava\* / BRHLÍKOVÁ Radoslava / БРЛИКОВА Радослава

**ABSTRACT:**

**MINORITIES IN UKRAINE**

*The article deals with the position of national minorities in the former union states of the Soviet Union. It deals specifically with the position of national minorities in Ukraine. Based on the analysis and comparison, it examines and describes the position of these minorities society, examines and evaluates the protection of their civil and minority rights. In the context of Ukraine's effort to become a member of the EU, the article observes how the standards of human and minority rights protection typical of democratic states in Europe are respected by Ukraine, as well as the criteria and requirements for the protection of human (civic) and minority rights by the European Union.*

*The article is based on the premise that the standards and criteria that both the European Union and the Council of Europe place for the protection of minorities do not reach the usual parameters in Ukraine. The political representatives of Ukraine deliberately do not meet these standards, while there is no response to such a situation from the EU.*

**Key words:** minorities, minority languages, language law, discrimination, EU and NATO membership, Ukraine

**JEL Classification:** K40

**Universal Decimal Classification:** 340.1; 342.7

<https://doi.org/10.61753/1857-1999/2345-1963/2024.19-2.06>

**REZUMAT:**

**MINORITĂȚI DIN UCRAINA**

*Articolul tratează poziția minorităților naționale în fostele state membre ale Uniunii Sovietice. Se ocupă în mod specific de poziția minorităților naționale în Ucraina. Pe baza analizei și comparației, acesta examinează și descrie poziția acestor societăți minoritare, examinează și evaluează protecția drepturilor lor civile și minoritare. În contextul efortului Ucrainei de a deveni membră a UE, articolul*

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observă modul în care standardele de protecție a drepturilor omului și ale minorităților tipice statelor democratice din Europa sunt respectate de Ucraina, precum și criteriile și cerințele pentru protecția drepturile omului (civice) și ale minorităților de către Uniunea Europeană.

Articolul se bazează pe premisa că standardele și criteriile pe care atât Uniunea Europeană, cât și Consiliul Europei le plasează pentru protecția minorităților nu ating parametri obișnuși în Ucraina. Reprezentanții politici ai Ucrainei nu îndeplinesc în mod deliberat aceste standarde, deși UE nu există niciun răspuns la o astfel de situație.

**Cuvinte cheie:** minorități, limbi minoritare, drept lingvistic, discriminare, apartenență la UE și NATO, Ucraina

**JEL Classification:** K40

**CZU:** 340.1; 342.7

<https://doi.org/10.61753/1857-1999/2345-1963/2024.19-2.06>

#### РЕЗЮМЕ:

#### МЕНЬШИНСТВА В УКРАИНЕ

В статье рассматривается положение национальных меньшинств в бывших союзных государствах Советского Союза. Речь идет конкретно о положении национальных меньшинств в Украине. На основе анализа и сравнения рассматривается и описывается положение общества этих меньшинств, рассматривается и оценивается защита их гражданских прав и прав меньшинств. В контексте стремления Украины стать членом ЕС в статье рассматривается, как Украина соблюдает стандарты защиты прав человека и меньшинств, типичные для демократических государств Европы, а также критерии и требования защиты прав меньшинств. права человека (гражданские права) и права меньшинств Европейским Союзом.

Статья основана на предположении, что стандарты и критерии, которые Европейский Союз и Совет Европы устанавливают для защиты меньшинств, не достигают обычных параметров в Украине. Политические представители Украины сознательно не соответствуют этим стандартам, а реакции на такую ситуацию со стороны ЕС нет.

**Ключевые слова:** меньшинства, языки меньшинств, языковое право, дискриминация, членство в ЕС и НАТО, Украина.

**JEL Classification:** K40

**УДК:** 340.1; 342.7

<https://doi.org/10.61753/1857-1999/2345-1963/2024.19-2.06>

#### Introduction

In an essay entitled "On the historical unity of Russians and Ukrainians", Vladimir Putin characterized the collapse of the Soviet Union (USSR) in 1991 as a geopolitical catastrophe of the 20th century<sup>1</sup>, because this act left millions of people abroad overnight<sup>2</sup>. The former USSR thus lost 40% of its territory and more than 25 million of its citizens, of which up to 12 million found themselves in the new Ukrainian state. Russia suffered a similar loss for the second time in the 20th century, since after Nazi Germany invaded the USSR in 1941 and unleashed a bloody world war, fighting not only with the regular army, but murdering, even

<sup>1</sup> STENT, A. 2022. The Putin Doctrine. A Move on Ukraine Has Always Been Part of the Plan. In Foreign Affairs [online]. January 27, 2022. [2022-7-21]. Available on: <https://www.foreignaffairs.com/articles/ukraine/2022-01-27/putin-doctrine>

<sup>2</sup> PUTIN, V. 2021. O historickéj jednote Rusov a Ukrajincov. Slovensko-ruská spoločnosť. [online]. 15.7.2021 22:08:54 [2022-7-21]. Available on: : <http://www.srspol.sk/clanek-vladimir-putin-o-historickej-jednote-rusov-a-ukrajincov-22663.html>

with the help of domestic minions, the civilian population lost more than 26 million Soviet citizens of all nationalities<sup>1</sup>.

Successor states with numerous minorities emerged on the ruins of the USSR. Neither of them can declare ethnic homogeneity. Nevertheless, some of them have opted not for a democratic but for an ethnocratic political regime, in which the state apparatus and the entire social life are controlled by a dominant ethnic group, in which not citizenship but ethnicity is the key to securing resources and power, and in which ethnicity is a characteristic principle, while democracy serves as a facade to justify the introduction of discriminatory restrictions on those who do not belong to a given ethnic minority<sup>2</sup>. Such an approach was chosen from the post-Soviet republics, for example Estonia and Latvia<sup>3</sup>, thereby creating a new category of people of the second category, which is not even recognized by international law - non-citizens, or non-citizens, since they excluded from citizenship a large part of the population that has a permanent residence in the given countries, was born there, but she claims Russian nationality and her ancestors immigrated to the territory of these states after 1940.

This group of inhabitants is derogatorily referred to as "descendants of the occupiers" and as such, in the opinion of the political representatives of these countries in extreme cases, is not entitled to any status. Ukraine, on the contrary, co-existed with its minorities, especially the large Russian minority, in relative peace until 2014. Minorities took part in political and social life, had their own education and taught their own language. The turning point came in 2014, after the state and constitutional coup known as "Maidan", which brought to power the extreme right, nationalists and neo-Nazis with the tacit approval of local oligarchs, as well as acceptance by foreign actors such as the EU and the US administration represented by the US Embassy, which led to the deterioration of the position of national minorities and is also one of the reasons and pretext for the current (2022) military intervention of Russia in Ukraine.

On the basis of analysis and comparison, we will describe the situation and position of national minorities in Ukraine. Based on the official reports of the Council of Europe, we will evaluate the state of observance of human, civil and minority rights of minorities, based on the premise that these rights are deliberately suppressed by the establishment and the Council of Europe, as well as the EU, which offered Ukraine the status of a candidate for membership, this they don't solve the problem emphatically, they overlook it. The language law, which changes a 30-year-old practice and disrupts relations in a tense society, became the catalyst for the deterioration of relations between the majority society and minorities in Ukraine. Such a situation is unsustainable in the long term and can cause problems even in mutual neighborly relations, since one of the basic security interests of any state is also the protection and support of national minorities reporting to it. At the same time, the international community's guaranteed right of nations to self-determination also comes into play, which can lead to the disintegration of the state as a result of internal and external pressures. We observe these pressures today in Ukraine, where the Russian Federation intervened under the pretext of protecting the Russian-speaking minority from genocide, and at the same time some Ukrainian regions declared their will to secede from the mother country - Crimea, Donbass, Luhansk. Russia is also acting on the basis of experience from the Baltics, where Estonia and Latvia, at that time members of the Council of Europe as well as the European Union and NATO, turned their Russian minorities into non-citizens, i.e. people without legal status, without adequate response and condemnation from the international "democratic" bodies. Unlike the Baltics, however, the situation has escalated in Ukraine, and practically since 2014,

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<sup>1</sup> This can already be considered genocide according to international law and compared to the Holocaust, which affected the Jews in the same war.

<sup>2</sup> For a more detailed definition of ethnocracy, see: HOWARD, L.M. 2012. The Ethnocracy Trap. *Journal of Democracy* 23(4), p. 155-169. ISSN 1086-3214. doi:10.1353/jod.2012.0068. [online] [ 2022-7-21]. Available at: <https://muse.jhu.edu/article/487792>

<sup>3</sup> According to: YIFTACHEL, O. - GHANEM, A. 2004. Understanding 'ethnocratic' regimes: the politics of seizing contested territories. In *Political Geography*. Volume 23, Issue 6, August 2004, Pages 647-676. [online] [2022-7-21]. Available at: <https://doi.org/10.1016/j.polgeo.2004.04.003>

regions with a Russian-speaking minority have come under fire from the so-called anti-terrorist operation, as the Kyiv government decided to use violence instead of dialogue with its own citizens.

### **Minorities in Ukraine before 2014**

According to available sources, both official Ukrainian<sup>1</sup>, as well as sources of the Council of Europe, the European Union and others (including Wikipedia)<sup>2</sup>, the last population census in Ukraine was held in 2001<sup>3</sup>. This is the first and also the last population census since the declaration of independence in 1991. Based on this census, all sources state that 48.5 million people live in Ukraine<sup>4</sup>, of which 77.8% of the population claim Ukrainian nationality, 17% Russian. 3% (8,334,100 persons, which includes both people coming from outside Ukraine and people who were born in Ukraine and claim Russian nationality<sup>5</sup>), Belarusian 0.6%, (275,800) Moldovan 0.5% ( 258,600), Crimean Tatar 0.5% (248,200), Bulgarian 0.4% (204,600), Hungarian 0.3% (156,600), Romanian 0.3% (151,000), Polish 0.3% ( 144,100), Jewish 0.2% (103,600), Armenian 0.2% (99,900) Greek 0.2% (91,500) of the population, 1.6% of the population (mostly Gypsies<sup>6</sup>), Azerbaijanis, Slovaks, Georgians, Germans, Gagauz, Tatars). In summary, according to data from this all-Ukrainian population census, more than 130 nationalities and ethnic groups live on the territory of Ukraine<sup>7</sup>.

### **Russians**

Until 1989, Russians were the majority only in Crimea, but in other regions of Ukraine they were numerous minorities. Today, the Russian minority predominates in the south-east of Ukraine, where in some regions it even formed a majority (Crimea). It is 38.2% in Donetsk region, 39% in Luhansk region, 25.6% in Kharkiv region, 24.7% in Zaporozhye region and 20.7% in Odesa region. This also strengthened the importance of the Russian language, which, as it became clear during the population census in 2001, is the first language for 14.8% of ethnic Ukrainians, and up to 30% of the population of Ukraine consider it their mother tongue<sup>8</sup>; respectively, approximately 33% of Ukrainians do not speak Ukrainian. In the southeast, it is sometimes significantly more than is shown by the national composition, where, for example, in Donetsk region it is 74.9%, in Luhansk 68.8%, in Kharkiv region 44.3% and in Odesa 41.9%. Some surveys confirm that Russian is even more widespread. According to the analysis of the Kyiv International Institute of Sociology, in 2004, about 43-46% of the population used Russian at home and more than 90% in the regions of Crimea and Donetsk<sup>9</sup>.

<sup>1</sup> State Statistics Committee of Ukraine. Available at: <http://2001.ukrcensus.gov.ua/eng/results/general/>

<sup>2</sup> See pages: 1295th meeting, 27 September 2017. 10 Legal questions. 10.4 European Charter for Regional or Minority Languages. b. Third report of the Committee of Experts in respect of Ukraine. Item to be considered by the GR-J at its meeting on 14 September 2017 Available at: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=090000168073cdfa](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=090000168073cdfa); World Directory of Minorities and Indigenous Peoples. Available at: <https://minorityrights.org/country/ukraine/>; Ukraine. Available at: [https://ec.europa.eu/neighbourhood-enlargement/european-neighbourhood-policy/countries-region/ukraine\\_en](https://ec.europa.eu/neighbourhood-enlargement/european-neighbourhood-policy/countries-region/ukraine_en); Ukraine. Available at: [https://sk.wikipedia.org/wiki/Ukrajina#Národnostné\\_zloženie](https://sk.wikipedia.org/wiki/Ukrajina#Národnostné_zloženie)

<sup>3</sup> Despite the promise of the Ukrainian government, the new census was postponed several times and was not even held in 2020 as planned.

<sup>4</sup> State Statistics Committee of Ukraine. Available at: <http://2001.ukrcensus.gov.ua/eng/results/general/>

<sup>5</sup> State Statistics Committee of Ukraine. About number and composition population of UKRAINE by data All-Ukrainian population census'2001 data. Available at: <http://2001.ukrcensus.gov.ua/eng/results/general/nationality/>

<sup>6</sup> The official website of the Ukrainian Statistical Office works with the term "Gypsy". See at: <http://2001.ukrcensus.gov.ua/rus/results/general/nationality/>

<sup>7</sup> State Statistics Committee of Ukraine. About number and composition population of UKRAINE by data All-Ukrainian population census'2001 data. Available at: <http://2001.ukrcensus.gov.ua/eng/results/general/nationality/>

<sup>8</sup> Linguistic composition of the population. About number and composition population of UKRAINE by All-Ukrainian population census'2001 data. Available at: <http://2001.ukrcensus.gov.ua/eng/results/general/language/>

<sup>9</sup> Портрет электоратов Ющенко и Януковича. Тема: Политические предпочтения. Анализ результатов голосования на Президентских выборах 2004 года. 18. 1. 2005. Available at: <http://www.analitik.org.ua/researches/archives/3dee44d0/41ecef0cad01e/>

According to a 2012 survey by the sociological group *Rating*, 50% of Ukrainians considered Ukrainian their mother tongue, 29% Russian, but up to 20% of Ukrainians considered both languages their mother tongue. 45% of respondents used the Ukrainian language at home, 39% used Russian, and 15% of respondents used both languages equally. In the west of Ukraine (91%), in the midlands (73%) and in the north (51%) Ukrainian was predominantly spoken at home during the given period, in the east (65%), in the south (67%) and in the Donbass (83%) mostly Russian. Russian is also spoken by the majority of Ukrainian Belarusians and Jews. Romanians, Ruthenians, Hungarians and Crimean Tatars also maintain their native language. The Ukrainian language was mostly used by middle-aged and older people, much more so in rural areas. Thus, fewer people spoke Ukrainian than considered it as their mother tongue, and conversely, more people spoke Russian than considered it as their mother tongue<sup>1</sup>. Even today, extensive bilingualism persists in Ukraine, where ethnic Ukrainians, who consider Ukrainian their mother tongue, speak Russian very well. The Russian-Ukrainian linguistic border itself is fluid and unbounded, especially in the central and eastern parts of the country, where a hybrid vernacular known as *Surzhyk* is used, combining the vocabulary and syntax of both languages (a mixture of predominantly Ukrainian grammar and Russian vocabulary).

The Russian population began to resettle more significantly in Ukraine in the late 18th century after the northern Black Sea coastal region was annexed to Russia after the conquest of Crimea from the Ottomans in 1783. Rapid industrialization in the late 19th and early 20th centuries led to a further influx of Russian population into the area, primarily into the urban centers of Ukraine. In the 1930s, another million Russians immigrated to Ukraine. The Russian community also absorbed other national groups and minorities, especially Serbs, Greeks and Jews. After the Second World War, a large number of the Russian population settled in connection with the post-war reconstruction of Ukraine, especially in its eastern industrial regions. In the 1960s, Russian immigration accelerated, and between 1959 and 1989, the number of Russians in Ukraine increased from 16.9% to 22.1% (from 7.1 million to 11.36 million). Most of them went to Crimea<sup>2</sup>.

After the declaration of Ukraine's independence in 1991, there were concerns about possible separatist tendencies of the Russian minority, mainly due to the geographical proximity of the strongly Russified East and Crimea to the Russian Federation. The contradictions in the previously seemingly united society were underlined in June 1992 by the formation of the Ukrainian Orthodox Church, which divided the Orthodox religious community, with many believers remaining loyal to the Moscow Patriarchate. However, fears about the separatist tendencies of the Russian minority were not confirmed during this period. In general, with the exception of Crimea, demands for autonomy and protection of the Russian language prevailed. In the referendum in December 1991, many Russians voted for the independence of Ukraine, and the electoral success of representatives from the east and south of Ukraine, including the president who became Leonid D. Kuchma in 1994, contributed to the weakening of demands for secession or even unification with Russia<sup>3</sup>.

The first serious contradictions and the so-called the Russian-Ukrainian axis appears in the period of the so-called of the Orange Revolution in 2004. The political programs of the presidential candidates Viktor Yushchenko and Viktor Yanukovich offered opposing pro-European and pro-Russian orientations, which served to further polarize society. This trend was reinforced by a media campaign at home, as well as abroad, which portrayed the

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<sup>1</sup> RATING. THE LANGUAGE QUESTION, THE RESULTS OF RECENT RESEARCH IN 2012. Date posted: 25.05.2012. Available at: [https://ratinggroup.ua/en/research/ukraine/yazykovoy\\_vopros\\_rezultaty\\_poslednih\\_issledovaniy\\_2012.html](https://ratinggroup.ua/en/research/ukraine/yazykovoy_vopros_rezultaty_poslednih_issledovaniy_2012.html)

<sup>2</sup> Russians and Russian-speakers. World Directory of Minorities and Indigenous Peoples. September 2018. Available at: <https://minorityrights.org/minorities/russians-and-russian-speakers-2/>

<sup>3</sup> Russians and Russian-speakers. World Directory of Minorities and Indigenous Peoples. September 2018. Available at: <https://minorityrights.org/minorities/russians-and-russian-speakers-2/>

presidential elections exclusively in terms of Ukrainian-Russian differences. Russian President Vladimir Putin's visit to Kyiv during the campaign and his congratulations on Yanukovich's first election victory also contributed to this polarization. The opposition camp spread reports that the election had been rigged, leading to a series of protests known as the Orange Revolution, led by supporters of Viktor Yushchenko, about which A. Zubov, a Russian professor, religionist, and political scientist commented: *"It remains beyond any doubt that the Orange the revolution was carefully prepared. Observers pointed out how quickly orange symbolism spread in enormous numbers, how well organized, equipped and supplied the tent cities were. Western organizations operating in Kyiv and other Ukrainian cities managed to prepare youth and student activists ahead of time, who were at the forefront of civil disobedience actions, organized discussions among the intelligentsia, supported liberal media, etc."*<sup>1</sup> Street protests led to a repeat of the election, in which Viktor Yushchenko was declared the winner<sup>2</sup>. Immediately after his "victory", speculations began to appear about the possible division of Ukraine, or even the secession of the eastern regions. But these exaggerated speculations were never confirmed. Moreover, they overlooked the range of ideas of the Ukrainian-speaking and Russian-speaking population about their own Ukrainian identity. The question of raising the Russian language to an official language in the program of Yanukovich's Party of Regions reflected the desire of Russians for the visibility of Russian culture as part of Ukrainian politics and at the same time became an effective campaign strategy of this party. Following parliamentary elections in March 2006, many regions in eastern and southern Ukraine, including Kharkiv and the Crimean capital Sevastopol, attempted to unilaterally elevate Russian to an official language at the regional level. The Crimean branch of the Party of Regions even started collecting signatures in February 2006 in support of a referendum according to which Russian would be elevated to an official language. However, Kyiv called these attempts unconstitutional, since the constitution recognized Ukrainian as the only state language<sup>3</sup>. However, the government led by then Prime Minister Yanukovich proposed a law that was supposed to regulate the use of Russian and the application of the European Charter of Regional and Minority Languages. Such a change of approach on the part of Yanukovich suggests that the issue of Russian status was seen as an effective electoral strategy rather than a real political imperative and that the differences between Ukrainians and Russians were not as politically decisive as the media campaign might have made them seem. According to some analysts, at that time even the schematic division into east and west along the Ukrainian-Russian axis was exaggerated, and they indicated that ethnic and regional differences were cross-sectional rather than mutually reinforcing, and that in the east of Ukraine political programs from west of the country<sup>4</sup>.

### Other minorities

According to data from the last population census, the Hungarian minority in Ukraine has 156,600 members (0.3%), which represent the largest Hungarian diaspora in the world. This minority is mainly concentrated in the Transcarpathian region<sup>5</sup> and is referred to in Hungarian

<sup>1</sup> ZUBOV, A. B. 2015. Dějiny Ruska 20. století. Vyd. 1. Zväzok II. : 1939-2007. Praha: Argo, 2015. 769 s. ISBN 978-80-257-0964-1. s. 700

<sup>2</sup> At the time, the demonstrations gave the impression that the whole of Ukraine was behind V. Yushchenko, but even the result of the repeated third round was very close: V. Yushchenko won 51.99% of the votes and there were two and a half million fewer voters in the third round. In the following presidential elections in January and February 2010, Yanukovich (49%) defeated Yulia Tymoshenko (45%) and Viktor Yushchenko (5%), and on February 25, 2010, he became the president of Ukraine.

<sup>3</sup> Article 10. Constitution of Ukraine. Adopted at the Fifth Session of the Verkhovna Rada of Ukraine on 28 June 1996. Available at: <https://web.archive.org/web/20110521190059/http://www.rada.gov.ua/const/conengl.htm>

<sup>4</sup> Russians and Russian-speakers. World Directory of Minorities and Indigenous Peoples. September 2018. Available at: <https://minorityrights.org/minorities/russians-and-russian-speakers-2/>

<sup>5</sup> Other names for the area are Subcarpathian Rus, Carpathian Rus, Hungarian Rus, Subcarpathian, Ruthenian, Transcarpathian Ukraine, Transcarpathia, Prikarpat's'ko, Silver Land, Russian Land, Kárpátalja (Subcarpathia), Észak-Keleti Felvidék (Northeastern Upper Hungary), Kárpát-Ukraine (Carpathian Ukraine), Karpatenrussland (Podkarpat's'ka Rus), Karpaten-Ukraine/Karpato-Ukraine ((Trans)carpathian Ukraine), **RMDIRI, 2024, Nr. 2 (Vol. 19)** <https://rmdiri.md/>; <https://www.usem.md/md/p/rmdiri>

as Kárpátaljai magyarok - Transcarpathian Hungarians. This area borders Hungary, Slovakia, Romania and Poland. It is a multi-ethnic region with a rich history, which gradually became part of Austria-Hungary, Hungary, Czechoslovakia, Romania, the Soviet Union and Ukraine only in the 20th century. Without obtaining a passport and traveling, a person could become a citizen of five different states. Until 1918, until the Treaty of Trianon was adopted, it was part of the Kingdom of Hungary, respectively Austria-Hungary, with the exception of the period in the 17th century, when during the reigns of Gabriel Bethlen (1580-1629) and Juraj I. Rákóczy (1593-1648) it belonged to Principality of Transylvania. For the Hungarians themselves, this region has an important symbol in the building and cultivation of their national identity, as it is here, in the Verets Pass, that Arpád, the leader of the Hungarian tribes, allegedly crossed the Carpathians on his way to Pannonia. And here is Palanok Castle, also known as Munkács Castle in Mukachevo, which became a symbol of the anti-Habsburg resistance after - two years after the defeat of the Ottomans in the Battle of Vienna in 1685 - Ilona Zrínyi (Helena Zrínska) successfully defended it for three years before the imperial army.

Hungary is said to be the first country to recognize Ukraine's independence in 1991. Its then-president Árpád Göncz, during his visit to Transcarpathia, signed a joint declaration, which was followed by a state treaty in December 1991, which granted collective and individual rights to the ethnic Hungarian minority and which it ensured the preservation of its ethnic, cultural, linguistic and religious identity, as well as education at all levels in the mother tongue<sup>1</sup> and participation in local bodies responsible for minority affairs<sup>2</sup>. In addition to Ukrainian citizenship, the Hungarian minority also has Hungarian citizenship, although Ukrainian law does not recognize dual citizenship<sup>3</sup>. This is how it happened that in the European Parliament elections in 2014 Andrea Bocskor, ethnic Hungarian, citizen of Hungary, living in the city of Berehove in Ukraine, was the first holder of a Ukrainian passport in the European Parliament, ran for the Fidesz party and was elected as a deputy<sup>4</sup>.

According to Krisztina Lajosi, the Hungarian minority in Ukraine never sought to secede from Ukraine and reunify with Hungary. Its political goal was to achieve autonomy within Ukraine. Hungarian Prime Minister Victor Orbán also demanded autonomy for the Hungarians in Transcarpathia, which Ukrainian politicians firmly rejected, claiming that such a proposal serves Putin's plans to further destabilize Ukraine. Lajosi claims that Orbán never

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Transkarpatien (Transcarpathia), Subcarpathia (Podkarpatsko), Carpathian Rus/Ruthenia/Russia (Carpathian Rus), Carpathian Ukraine/Carpatho- Ukraine ((Trans)carpathian Ukraine), Transcarpathia, (Transcarpathian), Subcarpathian Ruthenia (Podkarpatská Rus). In: RYCHLÍK, J.- RYCHLÍKOVÁ, M. 2016., p. 8,40.

At the census in 2001, 1,254,614 people lived in the Transcarpathian region. The estimate from 2004 speaks of 1.2 million inhabitants. Ethnic Ruthenians make up the majority of the population, officially registered as Ukrainians with 80.5%, Hungarians are the second most significant minority here with 12.1%. Other significant minorities are Romanians (2.6%), Russians (2.5%), Roma (1.1%), Slovaks (0.5%) and Germans (0.3%). See: State Statistics Committee of Ukraine. About number and composition population of UKRAINE by data All-Ukrainian population census'2001 data. Available at: <http://2001.ukrcensus.gov.ua/eng/results/general/nationality/>

<sup>1</sup> Currently, there are 71 Hungarian schools in Ukraine with 16,000 enrolled students. Residents of seven villages in the Mukachevo region have the opportunity to learn the Hungarian language at school or at home. The first Hungarian college in Ukraine is in Berehovo (František II. Rákoczi College). (LAJOSI, K. 2022) Source: How many children in Ukraine are taught the languages of national minorities? Available at: <https://www.slovoidilo.ua/2017/09/26/infografika/polityka/skilky-ditej-ukrayini-navchayutsya-movamy-naczionalnyx-menshyn>

<sup>2</sup> KOVRIG, B. 2000. Partitioned nation: Hungarian minorities in Central Europe. In: Michael Mandelbaum (ed.). The new European Diasporas: national minorities and conflict in Eastern Europe, New York: Council on Foreign Relations Press, s. 19-80.

<sup>3</sup> Article 4. Constitution of Ukraine. Adopted at the Fifth Session of the Verkhovna Rada of Ukraine on 28 June 1996. Available at: <https://web.archive.org/web/20110521190059/http://www.rada.gov.ua/const/conengl.htm>

<sup>4</sup> Громадянка України стала депутатом Європарламенту. ЧЕТВЕР, 3 ЛИПНЯ 2014, 10:49. Available at: <https://www.euointegration.com.ua/news/2014/07/3/7023891/>; Andrea Bocskor (PPE). European parliament. Online: [https://www.europarl.europa.eu/doceo/document/CRE-8-2014-07-15-INT-2-118-000\\_EN.html?redirect](https://www.europarl.europa.eu/doceo/document/CRE-8-2014-07-15-INT-2-118-000_EN.html?redirect)



directly referred to irredentism, but that his claim and support for autonomy was a tactic to secure the votes of the Hungarian minority in Ukraine, to whom he issued passports and granted the right to vote in Hungarian elections<sup>1</sup>.

According to official data, 151,000 Romanians and 258,600 Moldovans also live in Ukraine. However, the exact number of each group cannot be clearly defined due to territorial disputes between Romania and Moldova, creating uncertainty in defining Moldovan identity. Northern Bukovyna (Chernivtsi) and Southern Bessarabia (parts of Odesa Oblast) were transferred from Romania to the Ukrainian Soviet Socialist Republic under the terms of the Molotov-Ribbentrop Pact, signed on August 23, 1939. The Romanian-Moldovan population of Chernivtsi has been active since the declaration of Ukraine's independence and has been demanding Ukrainian government cultural and political rights, especially special language rights in areas of compact settlement. In December 1991, even some Romanians/Moldovans in Chernivtsi reportedly boycotted the Ukrainian independence referendum, and the Romanian government even declared the referendum in the area invalid. As part of negotiations with Ukraine, she tried to raise the issue of the transfer of territory from 1939, which the Ukrainian government refused to discuss and at the same time refused to return to the state before the conclusion of the Molotov-Ribbentrop agreement<sup>2</sup>.

Ethnic Bulgarians (204,600) are concentrated in the Odesa region, especially around the city of Bolhrad and on the Zaporizhia coast. Similarly, as in the case of the Bulgarians in Moldova, the Bulgarian government tried to build ties with the Bulgarian minority here as well. The most ethnically diverse region is Budžak, where, in addition to Ukrainians and Russians, 21% of the Bessarabian Bulgarian minority and 4% of the Gagauz minority live. Since the last census of the population of the USSR in 1989 (0.9%), the Jewish population has faced a significant decrease in the form of emigration, so that in the year it represented 103,600 members, i.e. 0.2% of the population<sup>3</sup>. In many parts of Ukraine, this minority developed a lively cultural and religious life, organized a Jewish congress. Jews live mostly in Russified urban areas and use the Russian language. Although the government has made efforts to develop good relations with the Jewish community and close contacts with Israel, these are harmed by the numerous anti-Semitic and neo-Nazi groups that operate today even officially with the support of the Ukrainian government.

The once large minority of Poles (in 1931 they made up 63.5% of Lviv's population and in the past even the ruling class in western Ukraine) largely disappeared during Second World War, also as a result of the Volyn massacre of Poles by Ukrainian nationalists from the Ukrainian Insurgent Army (UPA) and the mass flight of Poles from the region<sup>4</sup>, and as part of the post-war population exchange between the USSR and Poland. Today, 144,100 people (0.3%) claim to be a Polish minority. Several hundred Volhynian Czechs still live in the north-west of Ukraine, and there are several villages with a predominantly Czech population in the south of the country in the villages of Bohemka, Bobanovo and Veselynivka. In 1947, before repatriation to Czechoslovakia, 40,000 Czechs lived in Volyn in 647 purely Czech and ethnically mixed villages<sup>5</sup>.

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<sup>1</sup> LAJOSI, K. 2022. Minorities Blog. Disinformation, Digital Nationalism and the Hungarian Minority in Ukraine. ECMI. Available at: <https://www.ecmi.de/infochannel/detail/ecmi-minorities-blog-disinformation-digital-nationalism-and-the-hungarian-minority-in-ukraine>

<sup>2</sup> Ukraine. World Directory of Minorities and Indigenous Peoples. 2018. Available at: <https://minorityrights.org/country/ukraine/>

<sup>3</sup> National composition of population. About number and composition population of UKRAINE by All-Ukrainian population census'2001 data. Available at: <http://2001.ukrcensus.gov.ua/eng/results/general/nationality/>

<sup>4</sup> According to Polish historians, Ukrainian nationalists killed a total of 100,000 Poles between 1942 and 1945, and another 500,000 fled Volhynia. Along with them, Volyn Czechs also became victims of murder. Source: Fratricide is always horrible. Komorowski recalled the Volyn massacre. iDNES.cz (Prague: MAFRA). 2013. Available at: [https://www.idnes.cz/zpravy/zahranicni/volyne.A130714\\_165601\\_zahranicni\\_ert](https://www.idnes.cz/zpravy/zahranicni/volyne.A130714_165601_zahranicni_ert)

<sup>5</sup> CT24. Volyn Czechs – a community at the crux of Ukraine's wild history. 25 March 2014 Available at: <https://ct24.ceskatelevize.cz/svet/1042172-volynsti-cesi-komunita-v-klinci-divokych-dejin-ukrajiny>

Roma (or Gypsies according to the Ukrainian authorities) are, like elsewhere in Eastern Europe, the most marginalized community. According to the 2001 census, there should be around 47,600 of them, but similarly to other Eastern European countries, their number is estimated to be higher, around 200 to 300,000. The Carpathian Ruthenians (Lemkov, Hucul, and other ethnic groups) were not in the official census, they were counted as a separate nation and most of them claimed Ukrainian nationality. Officially, the Ruthenian nationality does not even exist in Ukraine. Officially, they are not considered a separate nation, but an ethnic group of the Ukrainian nation, although in the years 1918-1939 they formed the majority in the territory of the Transcarpathian region. And they make up the majority here even today, but they are officially registered as Ukrainians with 80.5%. According to the last census, about 10,000 inhabitants, i.e. about 0.8% of the population, consider themselves to be Ruthenians - as a separate nation. As for the German minority, 350,000 Germans were expelled from Ukraine in 1941. In 1992, Germany and Ukraine agreed that up to 400,000 Germans from Kazakhstan, which at that time was still part of Russia, would resettle in Ukraine. However, most of them preferred to resettle in Germany. Those who did move to Ukraine received some help from the German government<sup>1</sup>.

### **The coup in 2014<sup>2</sup> and the language law**

The relatively peaceful, balanced coexistence of the citizens of multi-ethnic Ukraine was disturbed by political disputes about the future direction of the state in foreign policy, which were very significantly influenced from the outside, both by Russia, the USA and the EU. The political situation in the country has never been ideal. Economically<sup>3</sup>, and thus politically, the country was and is divided and controlled by a few very rich oligarchs, who asserted their influence and power both politically through their politicians and a high degree of corruption<sup>4</sup>, as well as violently, also through private paramilitary armed units. Citizens' interests were politically asserted against the background of these power struggles, accompanied by outside interventions. Power in Kyiv is also often obtained in an "occupational" way, when it is not decided who won the most votes, but who controls the centre of Kyiv with his supporters. The support of not only oligarchs, but also foreign embassies<sup>5</sup> and non-governmental

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<sup>1</sup> Ukraine. World Directory of Minorities and Indigenous Peoples. 2018. Available at: <https://minorityrights.org/country/ukraine/>

<sup>2</sup> George Friedman, director of the Stratfor agency, called the event in 2014 "it truly was the most blatant coup in history". Source: "In Ukraine, U.S. interests are incompatible with the interests of the Russian Federation" Stratfor chief George Friedman on the roots of the Ukraine crisis. Interview by Elena Chernenko and Alexander Gabuev. Published 17-01-2015, 16:00. US-Russia.org. Available at: <http://us-russia.org/2902-in-ukraine-us-interests-are-incompatible-with-the-interests-of-the-russian-federation-stratfor-chief-george-friedman-on-the-roots-of-the-ukraine-crisis.html>

<sup>3</sup> GDP per capita in 2017 (in purchasing-power parity, PPP) was 8,656 USD. Since 2016 (with the exception of 2020, -3.9% due to the COVID19 pandemic), Ukraine's GDP has grown by 2-3.3% per year. GDP grew by 3.2% in 2021. Inflation for 2021 was 9.4%. The majority of international banks, rating agencies and analytical centres estimate a drop in Ukraine's GDP in 2022 to 30%. The Ukrainian economy continues to bear the hallmarks of the post-Soviet economy, oriented to trades with low added value. According to the methodology of the International Labour Organization, the actual unemployment rate increased to the level of 10.3% of the working population in 2021 and amounted to 1.79 million persons. The economy of Ukraine is comparable to developing countries such as, for example El Salvador, Bhutan, Morocco and Belize. Source: <https://www.businessinfo.cz/navody/ukrajina-souhrnna-teritorialni-informace/2/>

<sup>4</sup> In 2021, Ukraine ranked 122 out of 180 in the Corruption Perceptions Index (CPI) with a score of 32. Source: <https://www.transparency.org/en/cpi/2021>

<sup>5</sup> Some foreign embassies even determine who should and should not be in the government, as evidenced by the famous leaked "Fuck the EU" phone call of Victoria Nuland, the then US ambassador to Ukraine, offering cookies to protesters and actively participating in the selection of a successor to the legal and legitimate president, who was still in power at the time. See: Secret conversation Nuland with Payett about Ukraine: "Let's Klitschko remains outside the game"/Секретный разговор Нуланд с Пайеттом об Украине: "Пусть Кличко остается вне игры". Available at: <https://kr.ua/politics/437445-sekretnyi-razghovor-nuland-s-paiettom-ob-ukrayne-pust-klychko-ostaetsia-vne-yhry>; or: Fuck the EU': US diplomat Victoria Nuland's phone call leaked – video. Available at: <https://www.theguardian.com/world/video/2014/feb/07/eu-us-diplomat-victoria-nuland->

organizations is important. The dispute over economic and foreign policy orientation brought to the fore ultra-right, neo-Nazi groups such as the Right Sector and its semi-Venice offshoots such as the Azov, Aidar and Donbas battalions and legalized and romanticized fascist pogroms against the so-called non-Ukrainian population. By the Ukrainian insurgent army under the leadership of the fascist ultra-nationalist Stepan Bandera during World War II, of whom he made a national hero. In this context, in its reports, ECRI<sup>1</sup> has repeatedly expressed concerns about the actions of these groups against the so-called vulnerable groups, including minorities, although the authorities in Kyiv deny their existence<sup>2</sup>. In summary, it cannot be said that, despite the appearance and facade of democracy practiced through the application of certain basic rules such as a pluralistic form of government or recurring elections, considered as manifestations of democracy, the development of Ukraine was freely directed towards the stabilization and democratization of society. Rather, he tended to oligarchize and at the same time frustrate the population.

Internal contradictions and an open expression of dissatisfaction with the internal policy of the failing state gradually led in November 2013 to an open crisis, which the political power in Kyiv - despite the silence of the EU, the USA and human rights NGOs - is still solving the so-called with an anti-terrorist campaign against its own civilian population in the east of the country - especially against the Russian minority, while then President Poroshenko declared that the rebels would pay for every dead soldier with "*tens and hundreds of their lives*". Such a "punitive campaign" against one's own population - moreover, members of a national minority - would be labelled as genocide in other parts of the world under international law if it is accompanied by bombing and the flight of one's own civilian population across borders.

The primary cause of these events was the failure to sign the association agreement with the EU; this led to the escalation of tension in the streets of Kyiv until the unconstitutional and illegitimate change in the highest government positions in February 2014<sup>3</sup>. Since then,

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[phonecall-leaked-video](https://www.bbc.com/news/world-europe-26079957); or Ukraine crisis: Transcript of leaked Nuland-Pyatt call. Available at: <https://www.bbc.com/news/world-europe-26079957>

<sup>1</sup> The European Commission against Racism and Intolerance (ECRI) is a unique human rights monitoring body specializing in issues related to the fight against racism, discrimination (based on "race", ethnic/national origin, colour, nationality, religion, language, sexual orientation, gender identity and sexual characteristics), xenophobia, anti-Semitism and intolerance in Europe; prepares reports and issues recommendations to member states. It was founded at the first summit of heads of state and government of the member states of the Council of Europe in 1993 and began to function in 1994. It consists of 47 members appointed on the basis of their independence, impartiality, moral authority and expertise in solving issues of racism, discrimination, xenophobia, anti-Semitism and intolerances. Each member state of the Council of Europe appoints one ECRI member. More at: <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance>

<sup>2</sup> See: <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/Ukraine>; or: ECRI REPORT ON UKRAINE (fifth monitoring cycle). Adopted on 20 June 2011. Published on 19 September 2017. Available at: <https://rm.coe.int/fifth-report-on-ukraine/16808b5ca8>

<sup>3</sup> It can be concluded that the change was actually a constitutional coup in which the legally elected president was overthrown and replaced by illegitimately installed representatives of the Kyiv Maidan. On February 22, 2014, the Parliament of Ukraine (opposition leaders V. Klitschko, A. Jaceňuk, O. Tahnybog) refused to act according to the constitution and dismissed President Yanukovich in an unconstitutional manner, despite the fact that the foreign ministers of Germany, France and Poland had guaranteed the day before his position until the time when Ukraine reaches early elections. The Ukrainian Constitution in Article 111 precisely defined how the president can be dismissed. In addition to the precisely defined procedure with the involvement of the Supreme Court and the Constitutional Court, the consent of a three-quarters majority of deputies (338 deputies) was required. However, only 328 of them voted for the "repeal". In order to circumvent the procedure established by the constitution, the deputies unconstitutionally declared that the president had ceased to perform his duties. Subsequently, the revolutionaries decided to remove five inconvenient judges of the Constitutional Court for "violation of oath" because they were afraid that the Constitutional Court would again declare the actions of the deputies unconstitutional, as it had already done. This unconstitutional act was reflected in a series of other steps that have no basis in the Constitution of Ukraine, such as the announcement of the election of a new president or the announcement of the Anti-Terrorist Operation by Acting President Turchynov on April 13, 2014. Finally, the very process of forming a new government, where the members of the government were "approved" by the Maidan, was unconstitutional because the Maidan was not a legitimate representative of the citizens of Ukraine,

Ukraine has been mired in a civil war, as its eastern parts - Donetsk and Luhansk - have refused such a change<sup>1</sup>, they feel neither trust nor support from the government in Kyiv, and gradually following the example of Crimea<sup>2</sup>, which joined Russia on the basis of a referendum in March 2014, began to declare their independence from Ukraine<sup>3</sup>. This is how New Ukraine emerged as a power-political unit, ideologically dominated primarily by hatred of Russia, which stems from the Bandera tradition, and economically still dominated by various groups of oligarchs.

Of course, these events affected the life and position of national minorities in Ukraine, especially the Russian one. The first consequence of the Maidan was the effort of the Ukrainian establishment to strengthen the Ukrainian language and attack the Russian language, although many of the Ukrainian politicians still do not know the official state language. As already mentioned above, in everyday life Russian was predominant as a language of communication. It was usually possible to meet Ukrainian-speaking people in shops, restaurants, offices, and schools, to whom the staff automatically answered in Russian, and it was not always possible to find labels and product markings in Ukrainian. Thus,

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which was subsequently shown in the resistance that formed against the new power. (Майдан согласовал сопад Кабмина. Available at: <https://comments.ua/politics/454746-maydan-soglasoval-sostav-kabmina.html>) According to Mandu, the Parliament rejected the Constitution by its actions and started acting only according to its own will and the state He turned Ukraine into a corpse of a state. As Thomas Hobbes said, the citizens of the state of Ukraine were thrown into a state of nature, i.e. a state in which no universally recognized law applies, but where the natural law of self-preservation applies, commanding everyone to preserve life by all available means. What Ukraine is actually dealing with today, but which it does not officially want to admit, is the real problem of its statehood caused by the unconstitutional procedure of the parliament on February 22, 2014. The legitimacy of the Kyiv government, resulting from the elections held, is not in accordance with the proclaimed constitution or the legality of the given power. So it is not true that Russia or the so-called separatists were breaking up the state of Ukraine - their initial resistance did not even prove the so-called pro-Russian orientation. With its unconstitutional action, Turčynov, Jaceňuk and Maidan were already destroyed on February 22, 2014. It is a popular myth of politicians and various experts that Russia, by annexing Crimea, annexed part of the state of Ukraine. The truth is that at the time of Crimea's annexation to Russia, no state of Ukraine already existed and, in fact, the new state of Ukraine has not yet been formed. Crimea acted exactly in the spirit of natural law, looking for a way to preserve its existence as best as possible. (MANDA, V. 2015. A few thoughts on the edge of the new agreement from Minsk. Available at: [https://www.noveslovo.sk/c/Niekolko\\_myслиenok\\_na\\_okraj\\_novej\\_dohody\\_z\\_Minska](https://www.noveslovo.sk/c/Niekolko_myслиenok_na_okraj_novej_dohody_z_Minska); MANDA, V. 2022. Territorial integrity of Ukraine. (Short reflection on the 8th anniversary coup d'état in Ukraine). Available at: [https://www.noveslovo.sk/c/Uzemna\\_celistvost\\_Ukrajiny](https://www.noveslovo.sk/c/Uzemna_celistvost_Ukrajiny))

<sup>1</sup>According to Fábry, by the fact that the demonstrators in Kyiv unconstitutionally overthrew President V. Yanukovich, they also unilaterally changed the constitution. President V. Yanukovich was elected in 2010 mainly by the residents of Donbass and Crimea, and when demonstrators in Kyiv unilaterally changed this fact in February 2014, the said regions refused to recognize the unconstitutional change. Since 2014, residents of the People's Republics of Crimea have not participated in the elections, and they have not recognized the elected bodies of Ukraine as their representatives. As a result, the constitutional unity was lost, which was also the guarantor of the territorial integrity of Ukraine. (FABRY, B. 2022. The West, Ukraine and Russia: where did the mistakes happen? Available at: [https://noveslovo.sk/c/Zapad\\_Ukrajina\\_a\\_Rusko\\_kde\\_sa\\_stali\\_chyby](https://noveslovo.sk/c/Zapad_Ukrajina_a_Rusko_kde_sa_stali_chyby))

<sup>2</sup> Crimea became part of Russia based on the results of a referendum held on March 16, 2014, in which 96.8% of the participants voted for joining Russia. The EU, USA and even Ukraine did not recognize this referendum as legal and legitimate (isn't it the same case as Kosovo?). The referendum was preceded by riots in Kyiv and an illegitimate change of government, after which part of the Russian-speaking population of Ukraine began to fear further internal political developments.

<sup>3</sup> This led to an aggressive policy of Kyiv against its own citizens, their fault being that they refused to recognize the coup d'état in 2014. Subsequently, instead of fulfilling the Minsk agreements, Ukraine militarily terrorized the citizens of Donetsk and Luhansk for eight years, while the aforementioned act of long-term aggression against its own citizens remained in almost unnoticed by the "democratic" world. In their case, the international community, meaning the USA and the EU in particular, does not recognize what is commonly referred to as the Kosovo precedent. To some extent, the whole Ukrainian conflict can be characterized as a mirror image of the war in Syria - here the West supports the government against the rebels, and Russia, unlike Syria, is on the side of the rebels. However, in both cases, the US administration maintains a strategic advantage in that both conflicts - in Syria and Ukraine - are very close to Europe, far enough from the US. (Brhlíková, R. 2014)

Russian dominated most spheres of social life, and Ukrainian remained only a kind of formal "ritual" language, serving for the purposes of political speeches and in official written communication and on official public inscriptions. Ukrainian legislation also contributed to this, because until 2012 the Soviet language law of 1989 was in force, according to which Russian was still the language of contact between nations, and thus, despite Article 10 of the Constitution, this law effectively confirmed bilingualism in Ukraine. Therefore, after the Maidan in 2014, the decision came to cancel the 2012 law that allowed minorities to introduce their languages into the administration in official communication in regions where they represented more than 10 percent of the population, which in the case of Russian was one of the triggers for the separatist uprising in the east of the country.

In 2017, a new law on education followed, the aim of which was to reform the education system so that all secondary education takes place exclusively in Ukrainian, which in the case of the Hungarian language would lead, for example, to the demise of the above-mentioned Francis II College. Rákoczi in Berehova/Beregszász, but also the existence of the University in Užhorog/Ungvár<sup>1</sup>. According to the law, the teaching of minority languages at the level of kindergartens and primary schools should remain intact, i.e. in the first four years of primary school, the language of the minority may be used, but from the fifth year, two or more subjects may be taught in any of the EU languages. This absolutely excludes Russian, but includes Hungarian, Polish and Romanian. There are more than 15,000 schools in Ukraine. Of these, according to data from the Ukrainian Ministry of Education, Russian is used as the primary language in 581, Romanian in 75, Hungarian in 71 and Polish in five. Approximately 400,000 students are enrolled in these minority language schools<sup>2</sup>.

The approval of this law provoked a strong reaction in Hungary, Romania, Russia, Poland, Bulgaria and Moldova. The Romanian parliament passed a statement criticizing the law and warned that Ukraine cannot expect to join the EU if it does not respect the rights of minorities. Romanian President Klaus Iohannis even cancelled his visit to Ukraine<sup>3</sup>. The answer from Budapest was even clearer. The Hungarian Minister of Foreign Affairs Péter Szijjártó openly threatened that Hungary will not support Kyiv's attempt to further integrate into the EU if the law is implemented and several political parties organized demonstrations expressing their disapproval of this law. In a joint letter, the Hungarian and Romanian ministries of foreign affairs also joined the protest of Greece and Bulgaria<sup>4</sup>. The Russian State Duma and Federation Council passed a resolution condemning the law as a violation of the rights of the Russian minority<sup>5</sup>. However, a positive reaction to the law came from the USA<sup>6</sup>.

The Ukrainian authorities submitted the law for review to the Venice Commission<sup>7</sup>, which declared that *"strong domestic and international criticism, which has been provoked in particular by the provisions limiting the scope of education in minority languages, appears to*

<sup>1</sup> The positive side of the law is that it allows schools to create their own curricula and choose teaching methods more freely.

<sup>2</sup> В Минобразования сообщили, сколько школьников учатся на русском языке РИА Новости Украина. Available at: <https://rian.com.ua/society/20170914/1027651661.html>

<sup>3</sup> Kyiv 'Disappointed' As Romanian President Cancels Ukraine Visit Over Language Bill. RFE/RL's Moldovan Service. September 22, 2017 12:38 GMT. Available at: <https://www.rferl.org/a/ukraine-romania-president-cancels-visit-over-language-law/28751116.html>

<sup>4</sup> WAGNER, M. 2017. Minority rights in Ukraine – who cares? Available at: <http://www.ladder-project.eu/?p=18400>

<sup>5</sup> SASSE, G. 2017. Ukraine's Poorly Timed Education Law. Carnegie Europe. October 02, 2017. Available at: <https://carnegieeurope.eu/strategieurope/73272>

<sup>6</sup> U.S. diplomats greet Ukraine on passing new education law. 23:40, 10.09.17. Available at: <https://www.unian.info/politics/2125641-us-diplomats-greet-ukraine-on-passing-new-education-law.html>

<sup>7</sup> The Venice Commission is an independent advisory body of the Council of Europe on constitutional matters. It focuses on advice and assistance in ensuring the compliance of the legislative and institutional structures of the member countries with European standards in the field of democracy, human rights and the rule of law. It consists of 61 member states, of which 47 are members of the Council of Europe, another 13 are non-European, and Kosovo is also a member. It meets annually in Venice.

*be justified*<sup>1</sup>. The Commission noted that Article 7 in particular raises questions about how the transition to all-Ukrainian secondary education can be implemented while preserving the rights of ethnic minorities and stated that the provision allowing for the teaching of some subjects in official EU languages such as Hungarian, Romanian and Polish appears as discriminatory against Russian speakers, which is the most widely used non-state language<sup>2</sup>.

However, the position of representatives of national minorities, especially the governor of the Zakarpattia region Hennadiy Moskal, was unambiguous. According to them, the law is in conflict with the European Charter of Regional or Minority Languages, to which Ukraine applies. It is an instrument directed against minority languages, primarily against Russian. Moskal's spokesman, Yaroslav Halas, commented on the goals of the law as follows: *"We understand that this law is aimed primarily against the Russian language, because it dominates the capital, the eastern regions. But in Zakarpattia it affects national minorities... This law is aimed at protecting the Ukrainian language, but especially against Russian. It is not aimed at protecting the 150,000 Hungarians or the several tens of thousands of Romanians who also live in the Chernivtsi region or in the Odesa region, where Moldavians and Gagauz live"*<sup>3</sup>. It only caused the deterioration of relations with Hungary, which started issuing passports to members of the Hungarian national minority and is blocking Ukraine's attempt to integrate into the EU and NATO<sup>4</sup>.

At its 1295th meeting on September 27, 2017, the Council of Europe stated that despite the fact that the European Charter of Regional and Minority Languages entered into force in Ukraine in 2006 and was supposed to apply to the languages of Belarusian, Bulgarian, Crimean Tatar, Gagauz, German, and Greek. In its report, the Council of Europe also states that the teaching of minority languages is not uniform for all these languages. Russian, Hungarian and Romanian are used as the medium of instruction, most other languages are taught only as a subject in primary and secondary schools. There is also a limited offer in pre-school education, and in technical and vocational education, no minority language is used except Russian. The Belarusian language and Yiddish are not taught at all. Russian and to some extent Hungarian and Romanian are used in the courts, other languages are not used in accordance with Ukraine's obligations under the Charter. Similarly, local and regional authorities use only Russian, Hungarian and Romanian, the other languages have only symbolic representation, and they are not actually used. Television and radio broadcasts in minority languages are too short, and newspapers publish only in Bulgarian, Hungarian, Moldovan, Polish, Romanian and Russian. Romani is not used at all.<sup>5</sup>

At its 1332 meeting on 12 December 2018, the Committee of Ministers recommended that Ukraine adopt a structured approach for each language to the implementation of its Charter obligations in cooperation with the relevant speakers; develop and implement for each

<sup>1</sup> EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION). UKRAINE - OPINION ON THE PROVISIONS OF THE LAW ON EDUCATION OF 5 SEPTEMBER 2017 WHICH CONCERN THE USE OF THE STATE LANGUAGE AND MINORITY AND OTHER LANGUAGES IN EDUCATION. Opinion No. 902 / 2017. Available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)030-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)030-e)

<sup>2</sup> PRENTICE, A. 2017. Criticism of Ukraine's language law justified: rights body. Reuters. DECEMBER 8, 2017. Available at: <https://www.reuters.com/article/us-ukraine-language-idUSKBN1E227K>

<sup>3</sup> WESOLOWSKY, T. 2017. Ukrainian Language Bill Facing Barrage of Criticism from Minorities, Foreign Capitals. RFE/RL September 24, 2017 08:05 GMT. Available at: <https://www.rferl.org/a/ukraine-language-legislation-minority-languages-russia-hungary-romania/28753925.html>

<sup>4</sup> KENTISH, P. 2020. Hungary and Ukraine continue war of words over minority rights. March 12, 2020. Emerging Europe. Available at: <https://emerging-europe.com/news/hungary-and-ukraine-continue-war-of-words-over-minority-rights/>

<sup>5</sup> 1295th meeting, 27 September 2017. 10 Legal questions. 10.4 European Charter for Regional or Minority Languages. b. Third report of the Committee of Experts in respect of Ukraine. Item to be considered by the GR-J at its meeting on 14 September 2017. Available at: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=090000168073cdfa](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=090000168073cdfa)

Part III language a comprehensive teaching policy in those languages at all levels of education; to expand and strengthen the offer of radio and television broadcasting in Part III languages; to ensure that Part III languages can be used in practice in administration; promote the adoption and use of traditional and correct forms of local names in minority languages; to ensure long-term financial support to cultural facilities in order to ensure the stability of cultural activities in minority languages; and take decisive steps to promote the Romani language in order to protect it.<sup>1</sup>

As for the EU, it clearly calls for linguistic diversity and prohibits discrimination on the basis of languages. It clearly supports the use of minority languages in secondary and higher education, as well as the support of university research on minority languages<sup>2</sup>. If Ukraine really aspires to join the EU, then, although we understand the need to strengthen the position of the Ukrainian language in communication, Ukraine cannot discriminate against any language of any national minority with any of its laws.

The last act "*On ensuring the functioning of Ukrainian as a state language*", concerning the strengthening of the Ukrainian language and the restriction of the languages of national minorities in public relations and communication, primarily Russian, was adopted in September 2019. This law was supported by 268 deputies out of 450 and requires citizens to master Ukrainian. Officials such as parliamentarians, diplomats, judges, teachers, doctors must be fluent in the Ukrainian language. Ukrainian must be used compulsorily in the army, police, courts, and schools of all levels. All public announcements, i.e. decrees, signs and inscriptions must be in this language. Offenses against the law will be punished with a fine, and even imprisonment is permissible for contempt or degrading language. It was labelled as discriminatory by both the opposition and representatives of national minorities, and protests also came from abroad, especially from Russia and Hungary. The OSCE High Commissioner for National Minorities, Lamberto Zannier, also commented on it, saying that he understands the concerns of representatives of national minorities about the threat to their language rights, but at the same time supports efforts to promote the knowledge of the state language as a key tool to facilitate integration and social cohesion. However, he does not consider repression appropriate for the implementation of the law. He expressed his satisfaction in connection with the school law, which, in his opinion, should be dealt with in accordance with the recommendation of the Venice Commission, but he welcomed the extension of the period of its implementation until 2023.<sup>3</sup>

### Conclusion

It is understandable that the post-Soviet Ukrainian society is searching for its national identity and the legitimacy of its existence. The stimulating factor of every nation is, of course, the language it tries to protect. It also protects its values, traditions, culture, history, meaning of life. However, in the European area and as an aspirant for membership in the European Union, it cannot do so at the expense of minorities legitimately and legally living on its territory. It is not possible to limit the use of minority languages, claiming that they undermine the use of Ukrainian in education, media or state institutions. It cannot even approach these minorities selectively, as we can see in Ukraine. As an example, we can cite the Crimean Tatar minority, which Ukraine treats decently only because Russia intervened against them, after the annexation of Crimea, because they remained loyal to Kiev. Similarly, he treats the Jewish minority, from which the current Ukrainian president Volodymyr

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<sup>1</sup> Recommendation CM/RecChL(2018)6 of the Committee of Ministers to member States on the application of the European Charter for Regional or Minority Languages by Ukraine. Available at: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016809026af](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016809026af)

<sup>2</sup> Regional and minority languages in the European Union. European Parliamentary Research Service. Author: Magdalena Pasikowska-Schnass. Members' Research Service. September 2016. Available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/589794/EPRS\\_BRI\(2016\)589794\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/589794/EPRS_BRI(2016)589794_EN.pdf)

<sup>3</sup> Address by Lamberto Zannier OSCE High Commissioner on National Minorities to the 1229th plenary meeting of the OSCE Permanent Council. 2019. Available at: <https://www.osce.org/files/f/documents/9/b/420572.pdf>

Zelenskiy comes, and through whose patronage he is trying to become a member of the EU and NATO.<sup>1</sup> But there are minorities towards whom Kyiv is not so friendly. This is primarily the Russian minority, despite the fact that many Russian-speaking residents of Ukraine consider themselves Ukrainians and support Ukraine as their homeland against Russia. Ukraine justifies the protection of the Ukrainian language through a special law in an effort to increase national cohesion and security and independence of the country, which, according to Chodakiewicz, may work in western Ukraine, but in its central and eastern parts they speak either ordinary Russian or a hybrid of Russian and Ukrainian, the so-called by surżyk. This means that the adoption of the above laws restricts many local people's ability to learn and communicate with their children in their native language.<sup>2</sup>

The first victim of the Ukrainian language law was Yevheniya Vitalyevna Bilchenko, a Ukrainian poet and translator, writing in Russian, a doctor of cultural studies, an activist of the Ukrainian human rights movement, now a former professor at the M. P. Dragomanova National Pedagogical University, who, under the pressure of the SBU security service, from the university his criticism of the law was thrown out and on which extremist and nationalist groups, controlled by the SBU, have launched a literal hunt and are threatening her and her loved ones with death. The campaign against the Russian language and the Russian minority continues in such a way that the authorities banned the broadcasting of several Russian-language media (specifically 3 TV channels TV-112, TV-ZIK and TV-NewsOne) and at the beginning of 2021, when the party of the pro-Russian politician V. Medvedčuk, dubious trials were launched against this politician, which led to his imprisonment under house arrest.

The Ukrainian language law also significantly restricted the freedom of Bulgarians, Hungarians, Romanians, Poles and other minorities. The Hungarian government, but also - following the example of Hungary - the Bulgarian and Romanian governments are more or less involved in favour of their minorities in Ukraine. Some are flirting with the possibility of creating autonomous regions within Ukraine, and as a lever to protect the interests of their minorities; they are using the possibility of blocking negotiations on Ukraine's accession to NATO or the EU. The exception to this attitude is Poland, which approaches Ukraine as a strategic partner and considers the problems of minorities more of an obstacle to the perception of the broader geopolitical picture, specifically the Russian threat. That is why there has never been any property restitution for Poles in Ukraine, their language rights are being violated, as well as their right to education, and the Catholic Church is at a disadvantage when it comes to the return of its temples and other properties.<sup>3</sup>

Considering the current situation in Ukraine, the government should abandon the path of revenge and escalation of relations between the majority and minorities and rather promote bilingualism and tolerance in education and public life in general. This does not exclude the obligation of pupils, students, officials, citizens to master the state language in addition to their native language, and it would also be an example for many EU member states on how to approach minorities and put into practice the much-declared European values.

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<sup>2</sup> Ibidem

<sup>3</sup> CHODAKIEWICZ, J. M. 2020. Ukraine's Policy on Minorities Still in the Making. NewsMax.com. Friday, 10 July 2020 10:04 AM EDT. Available at: <https://www.newsmax.com/marekjanchochodakiewicz/ukraine-minorities/2020/07/10/id/976568/>



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<https://doi.org/10.61753/1857-1999/2345-1963/2024.19-2.06>



Revista Moldovenească de Drept Internațional și Relații Internaționale /  
Moldavian Journal of International Law and International Relations /  
Молдавский журнал международного права и международных отношений

2024, Issue 2, Volume 19, Pages 95-107.

ISSN 1857-1999 EISSN 2345-1963

Submitted: 02.02.2024 | Reviewed: 12.03.2024 | Accepted: 20.05.2024 | Published: 15.07.2024

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.07>

**TRIBUNA DISCUȚIONALĂ**  
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**ДИСКУССИОННАЯ ТРИБУНА**

**ANALYSIS OF EARLY PARLIAMENTARY ELECTIONS  
HELD IN SLOVAKIA ON SEPTEMBER 30, 2023**

**ANALIZA ALEGERILOR PARLAMENTARE ANTICIPATE  
ȚINUTE ÎN SLOVACIA LA 30 SEPTEMBRIE 2023**

**АНАЛИЗ ДОСРОЧНЫХ ПАРЛАМЕНТСКИХ ВЫБОРОВ  
ПРОШЕДШИХ В СЛОВАКИИ 30 СЕНТЯБРЯ 2023 ГОДА**

HRDLIČKA Jozef\* / HRDLIČKA Jozef / ГРДЛИЧКА Йозеф

ABSTRACT:

**ANALYSIS OF EARLY PARLIAMENTARY ELECTIONS  
HELD IN SLOVAKIA ON SEPTEMBER 30, 2023**

*Early parliamentary elections were held in the Slovak Republic on September 30, 2023. The results of these elections, which brought a change in the ruling political set in Slovakia, are the subject of our analysis. The work briefly defines the socio-political development in Slovakia in the past period as a determinant of election results. It gives the basic value characteristics of dominant political entities. The research also includes a comparison of the election results achieved by the dominant political entities in the parliamentary elections in 2020 and 2023. Based on this comparison, it analyzes movements in the political consciousness and behavior of Slovak voters. The results of the parliamentary elections in September 2023 mean the return of social democrats and national-conservative political forces to positions of power in Slovakia after more than three years.*

**Keywords:** elections, political party, Slovak Republic, parliament, government, social democracy, conservatism.

**JEL Classification:** K33

**Universal Decimal Classification:** 342.8; 342.84; 324

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.07>

REZUMAT:

**ANALIZA ALEGERILOR PARLAMENTARE ANTICIPATE  
ȚINUTE ÎN SLOVACIA LA 30 SEPTEMBRIE 2023**

*Alegerile parlamentare anticipate au avut loc în Republica Slovacă la 30 septembrie 2023. Rezultatele acestor alegeri, care au adus o schimbare în setul politic de guvernământ din Slovacia, fac obiectul analizei noastre. Lucrarea definește pe scurt dezvoltarea socio-politică din Slovacia în*

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*perioada trecută ca un factor determinant al rezultatelor alegerilor. Ea oferă caracteristicile valorice de bază ale entităților politice dominante. Cercetarea include și o comparație a rezultatelor alegerilor obținute de entitățile politice dominante la alegerile parlamentare din 2020 și 2023. Pe baza acestei comparații, analizează mișcările în conștiința politică și comportamentul alegătorilor slovaci. Rezultatele alegerilor parlamentare din septembrie 2023 înseamnă revenirea social-democraților și a forțelor politice național-conservatoare la poziții de putere în Slovacia după mai bine de trei ani.*

**Cuvinte cheie:** *alegeri, partid politic, Republica Slovacă, parlament, guvern, social-democrație, conservatorism.*

**JEL Classification:** K33

**CZU:** 342.8; 342.84; 324

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.07>

РЕЗЮМЕ:

### АНАЛИЗ ДОСРОЧНЫХ ПАРЛАМЕНТСКИХ ВЫБОРОВ ПРОШЕДШИХ В СЛОВАКИИ 30 СЕНТЯБРЯ 2023 ГОДА

*30 сентября 2023 года в Словацкой Республике прошли досрочные парламентские выборы. Результаты этих выборов, которые привели к смене правящей политической системы в Словакии, являются предметом нашего анализа. В работе кратко определяется социально-политическое развитие Словакии в прошедший период как определяющее значение результатов выборов. В нем даны основные ценностные характеристики доминирующих политических образований. Исследование также включает сравнение результатов выборов, достигнутых доминирующими политическими образованиями на парламентских выборах 2020 и 2023 годов. На основе этого сравнения анализируются изменения в политическом сознании и поведении словацких избирателей. Результаты парламентских выборов в сентябре 2023 года означают возвращение социал-демократов и национально-консервативных политических сил на властные позиции в Словакии спустя более чем три года.*

**Ключевые слова:** *выборы, политическая партия, Словацкая Республика, парламент, правительство, социал-демократия, консерватизм.*

**JEL Classification:** K33

**УДК:** 342.8; 342.84; 324

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#### **Formulation of the problem**

Parliamentary elections in the Slovak Republic (elections to the National Council of the Slovak Republic), which took place on February 29, 2020, ended the long-term rule of the Social Democrats (SMER – SD) and their coalition partners.<sup>1</sup> The new government coalition was formed by right-wing political entities (OĽANO, SME RODINA, SaS, ZA ĽUDÍ) with a strong Euro-Atlantic orientation. The new right-wing government had a constitutional majority in the parliament.<sup>2</sup> The period of their rule was marked by the coronavirus pandemic, the military conflict in Ukraine and, above all, permanent disputes in the government coalition, which ultimately led to the fall of the government, the appointment of a caretaker government and the holding of early parliamentary elections.<sup>3</sup> Parliamentary elections were held on September 30, 2023, and their results brought the victory of the Social Democrats

<sup>1</sup> The political party SMER – SD ruled the Slovak Republic in the years 2006-2010 and 2012-2020. After the parliamentary elections in 2016, the Social Democrats formed a government together with the Slovak National Party and the Slovak-Hungarian party MOST-HÍD.

<sup>2</sup> Slovak Parliament – The National Council of the Slovak Republic consists of 150 deputies. A minimum number of 76 deputies is required to form the government of the Slovak Republic. Pursuant to Act 460/1992 Coll. (The Constitution of the Slovak Republic) Art. 84, the constitutional majority consists of at least a three-fifths majority of all deputies.

<sup>3</sup> Regular parliamentary elections in Slovakia were to be held in February 2024.



(SMER - SSD) and the replacement of the ruling political set. The aim of the work is to briefly define the socio-political development in Slovakia in the past period in the context of historical analysis. Give the basic value characteristics of dominant political subjects. Analyze the results of early parliamentary elections from September 2023 and confront them with the results of the elections in February 2020. Based on this analysis, point out the movements in the political consciousness and behavior of the Slovak voter. The results of the parliamentary elections in September 2023 mean the return of social democrats and national-conservative political forces to positions of power in Slovakia after more than three years. This exchange of political elites can also significantly affect the foreign policy of the Slovak Republic.

The object of our investigation are political entities running in the parliamentary elections in 2020 and 2023. Slovak legislation sets the necessary threshold for the entry of a political entity at a minimum level of 5% of the votes obtained in the elections. For this reason, research attention is paid to political entities that have gained parliamentary representation. The main research material is the results of the parliamentary elections in Slovakia in 2020 and 2023 provided by the Statistical Office of the Slovak Republic. These are the definitive and comprehensive results of the parliamentary elections. We also considered the program documents of selected political entities to be important research material. Historical research, analysis of statistical documents as well as methods based on the principles of logic and logical thinking form the main methodology of our research.

### **Presenting main material**

In order to understand the political situation in Slovakia and especially the results of the parliamentary elections, it is necessary for the foreign reader to know at least the basic characteristics of the dominant political entities that are the subject of our research. For this reason, we present it in the text:

**SMER - Slovak social democracy** (SMER - SSD or SMER - SD) is a political entity that was established at the end of 1999. It adheres to a left-wing, social-democratic political orientation. It is a successful political project that ruled in Slovakia in various coalitions from 2006 to 2010 and then from 2012 to 2020. The chairman of the political entity since its inception has been Róbert Fico, multiple Prime Minister of the Slovak Republic. In recent years, it has been profiled not only as a left-wing but also as a national and conservative political entity. It advocates European integration and transatlantic cooperation on the premise of defending Slovakia's national-state interests. It rejects a military solution to the conflict in Ukraine as well as military support for the Ukrainian regime. He criticizes the sanctions policy of the collective West against the Russian Federation.<sup>1</sup> In the parliamentary elections in September 2023, the political party SMER - SSD became the winner of the elections and formed a new government of the Slovak Republic.

**HLAS - social democracy** (HLAS - SD) is a political entity that adheres to the social democratic orientation of the European type. He sees the Slovak Republic as a stable part of the European Union and NATO. The political entity was created by the secession of some members of parliament from the SMER-SD party after the unsuccessful parliamentary elections in 2020. The founder of the political party is Peter Pelegrni, who on June 10, 2020 announced his resignation from the position of vice-chairman of the party as well as a member of the Smer-SD political party.<sup>2</sup> After the crisis in the government coalition in March 2018, Peter Pelegrini was until March 2020 the Prime Minister of the Slovak Republic for the SMER – SD party. On September 11, 2020, a new political party called HLAS – social democracy (HLAS – SD) was founded at the Ministry of the Interior of the Slovak Republic and Peter Pelegrini became its chairman. After the 2023 elections, it joined the government coalition with the party SMER – SSD and SNS.

<sup>1</sup> SMER-SD. [Online]: <https://www.strana-smer.sk/> (Visited 22.11.2023).

<sup>2</sup> SMER lost Pellegrini, Fico is keeping his fingers crossed. [Online]: <https://spravy.pravda.sk/domace/clanok/554058-fico-ponukol-pellegrinimu-miesto-predsedu-strany-smer/> (Visited 22.11.2023).

**Progressive Slovakia** (PS) was founded in November 2017. It is considered a liberal, centrist and pro-European movement with a social orientation. He holds liberal positions in the cultural-ethical area. The main value starting points are "liberal democracy, freedom, human dignity, equality, justice, sustainable development, European and international cooperation", which are also, according to the PS, a necessary condition for "building a modern, open, solidary and European" Slovakia.<sup>1</sup> Within European structures, it is part of the European group of liberals (ALDE). From May 2022, the chairman of the political movement is Michal Šimečka, former vice-president of the European Parliament. In the presidential elections in 2019, the PS candidate, Zuzana Čaputová, was successful. The movement advocates tough sanctions against the Russian Federation and all-round support for the Ukrainian regime. In the 2020 parliamentary elections, the PS did not enter parliament.<sup>2</sup> In the early parliamentary elections in September 2023, it took second place with a gain of 17.96%.

**WE ARE FAMILY** (SME RODINA) is a political entity operating since 2015, whose chairman is businessman Boris Kollár. It is considered a populist movement with elements of nationalism and conservatism. After the parliamentary elections in February 2020, it became part of the right-wing government coalition. The chairman of the political party, Boris Kollár, served as the chairman of the Slovak parliament. After the elections in September 2023, it did not reach the parliament.

**Ordinary people and independent personalities** (OĽANO) is a political movement in which independent personalities and experts have a place. It was created in November 2011 as an attempt to create a strong opposition to the SMER-SD party. The founder and chairman of the party is Igor Matovič. From a political point of view, this political movement can be considered programmatically inconsistent and considerably populist. The fight against corruption and clientelism is considered a dominant priority in the movement. In the parliamentary elections of 2020, it defeated the Social Democrats and became the main political entity of the government. During the coronavirus period, he advocated the introduction of tough anti-pandemic measures. In the conflict between Russia and Ukraine, it advocated an anti-Russian stance and significant support for Ukraine. Before the parliamentary elections in 2023, within the political entity OĽANO, a joint list of candidates was created by several political parties, including the ZA LUDÍ party.<sup>3</sup> Together they won 8.9% of the votes.

**The Christian Democratic Movement** (KDH) has been active in Slovakia since 1990 and can be considered a right-wing, conservative movement. The current chairman is Milan Majerský. In the past, the movement was part of several right-wing government coalitions. In the years 2016-2023, it was not a parliamentary subject. It returned to parliament after the elections in September 2023.

**Freedom and Solidarity** (SaS) was founded in February 2009. It is a liberal, right-wing political party that has been represented in the Slovak parliament since 2010. In the years 2010-2012 and in the years 2020-2023, it was part of the government coalition. Richard Sulík is the founder and chairman of the political entity. Within European politics, this political party can be defined as Euro-realist. Supports Slovakia's membership in the European Union and NATO.

**The Slovak National Party** (SNS) is a political entity that was founded in 1989. It claims historical continuity with the Slovak National Party active in the 19th century. It was the first political party of Slovaks. The current SNS is considered a right-wing, conservative and

<sup>1</sup> PS. [Online]: [Online]: <https://progressivne.sk/dokumenty/> (Visited 22.11.2023).

<sup>2</sup> In the parliamentary elections in February 2020, PS ran in a coalition with another political party. In the case of a coalition of several political parties, a minimum quorum of 7% is set for entry into the Slovak parliament. PS candidates in a coalition with the TOGETHER party won 6.96% of the votes.

<sup>3</sup> Postoj; TASR. Elections 2023 / OĽANO goes into a coalition with KÚ and Za ľudí. 25 political subjects will be candidates. [Online]: <https://www.postoj.sk/133551/olano-ide-do-koalicie-s-ku-a-za-ludi-kandidovat-bude-25-politicky-subjektov> (Visited 22.11.2023).

national political party with a significant social orientation. With its program, it advocates national, social and Christian values. The chairman of the party is Andrej Danko. The SNS applies for Slovakia's membership in the European Union under the conditions of respect for Slovakia's national and state interests. The political party has reservations about Slovakia's membership in NATO. In the years 2016-2020, it was part of the government coalition with the SMER-SD party.<sup>1</sup> Andrej Danko was the chairman of the National Council of the Slovak Republic during this period. In the parliamentary elections in February 2020, she lost her parliamentary status. In the elections in September 2023, it again became a parliamentary entity and part of the new government coalition. However, representatives of other political parties also ran on its list of candidates.

**FOR THE PEOPLE (ZA ĽUDÍ)** is a political party founded by the former president of the Slovak Republic, Andrej Kiska (2014 – 2019). The political party was established in September 2019, before the parliamentary elections. It is a right-wing centrist political entity with a pro-European and transatlantic orientation. After the parliamentary elections in February 2020, it became part of the government coalition. In the elections in September 2023, she ran on the OĽANO candidate list.

**People's Party Our Slovakia (ĽSNS)** is considered an extreme right-wing and nationalist party. He rejects Slovakia's membership in the European Union as well as in NATO. It was established in October 2000 and its founder and chairman is Marián Kotleba. It was represented in the Slovak parliament from 2016 to 2023. In March 2021, a group of parliamentarians left the ĽSNS and formed a new political entity under the name REPUBLIC. It is a national and conservative political movement.<sup>2</sup> The chairman of the party is member of the European Parliament Milan Uhrík. In the parliamentary elections in September 2023, none of the parties made it to the parliament.

Understanding the results of early parliamentary elections in the Slovak Republic, which took place on September 30, 2023, requires knowledge of the main characteristics of political development in Slovakia in the past period. After the parliamentary elections in 2006, the political party SMER – SD formed the government of the Slovak Republic. It became the dominant political entity in Slovakia. She won the parliamentary elections in 2010, but did not form a government. In the years 2010-2012, the government coalition was formed by right-wing political entities. Developments on the Slovak political scene after the 2010 elections were accompanied by conflicts in the right-wing government coalition and culminated in early parliamentary elections on March 10, 2012. In these elections, social democracy won again and was the only one to form a government. The Social Democrats became the governing body until 2020.<sup>3</sup> The socio-political atmosphere of the 2016-2020 election period in Slovakia was largely determined by the murder of the investigative journalist Ján Kuciak and Martina Kušnírová, which happened on February 21, 2018. These tragic events led to societal , a mass protest against the government coalition and above all against the strongest government party SMER-SD. These protests culminated on March 9, 2018.<sup>4</sup> The political parties of the government coalition, and especially SMER-SD, were accused by the political opposition of corruption and mafia practices. On March 15, 2018, Robert Fico resigned as Prime Minister of the Slovak Republic and submitted his resignation to the President of the

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<sup>1</sup> After 1990, the SNS was part of five government coalitions in the years 1992-1994, 1994-1998, 2006-2010, 2016-2020, 2023 - .

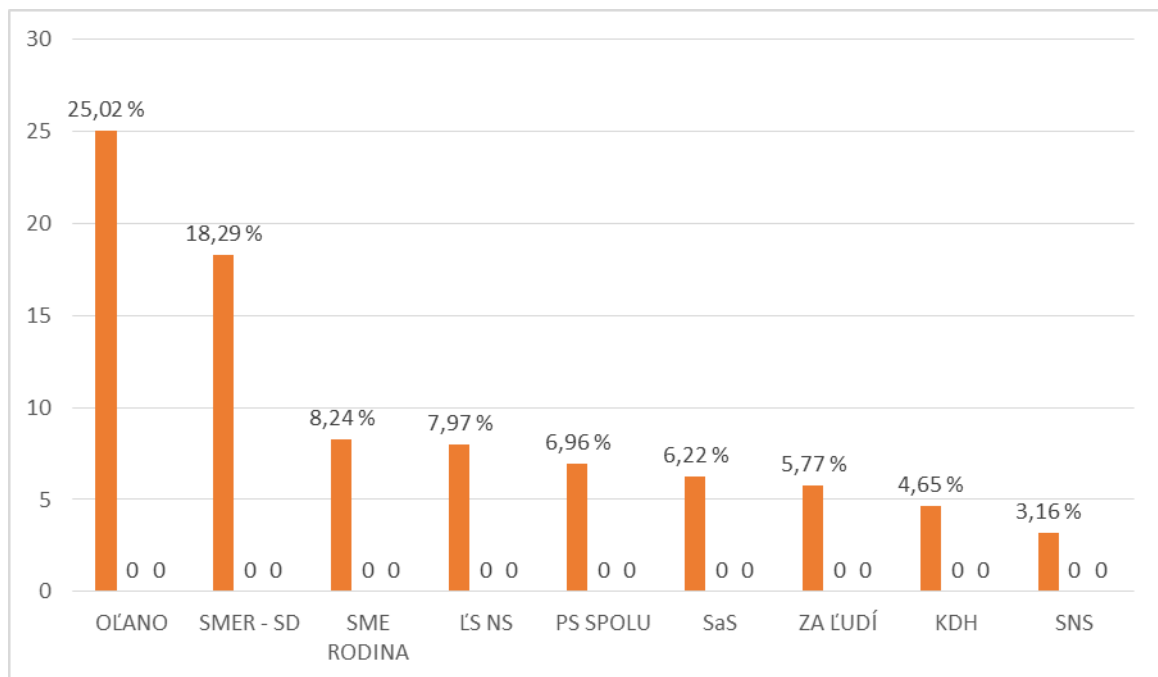
<sup>2</sup> TERAZ.SK /TASR, Milan Uhrík: The Republic is a democratic party ready to rule. [Online]: <https://www.teraz.sk/publicistika/milan-uhrik-republika-je-demokraticka/588176-clanok.html> (Visited 24.11.2023).

<sup>3</sup> After the parliamentary elections in 2016, they ruled until 2020 in a coalition with the SNS and the MOST-HÍD party.

<sup>4</sup> The largest anti-government demonstrations in the era of independence. Around 100,000 Slovaks took to the streets. [Online]: <https://hnonline.sk/slovensko/1708358-najvacsie-protivadne-demonstracie-v-ere-samostatnosti-do-ulic-vyslo-okolo-100-tisic-slovakov> (Visited 24.11.2023).

Republic, Andrej Kiska. Peter Pellegrini (Smer - SD) became the new prime minister.<sup>1</sup> The government coalition, led by the SMER-SD party, managed to maintain power positions until the regular parliamentary elections in February 2020. The price was the reconstruction of the government, including the replacement of its president. Despite the fact that the government coalition composed of the parties SMER - SD, SNS and MOST-HÍD retained the government majority, Slovak society was polarized to a considerable extent. This division of society was also confirmed by the presidential elections held in March 2019, in which the candidate of the opposition political forces from the Progressive Slovakia political movement, Zuzana Čaputová, won over the candidate of the SMER-SD political party in the second round of the elections held on February 21, 2019. Parliamentary elections in February 2020 meant the defeat of the Social Democrats and the victory of right-wing political entities. The SMER-SD political party remained in position. SNS and MOST-HÍD did not get into the Slovak parliament. The new government coalition was formed by the political parties OĽANO, SME RODIN, SaS and the political party ZA ĽUDÍ. Igor Matovič became the Prime Minister. The new government coalition had a constitutional majority in the parliament. The results of the parliamentary elections are presented in graph no. 1. The political composition of the Slovak Parliament is presented in graph no. 2.

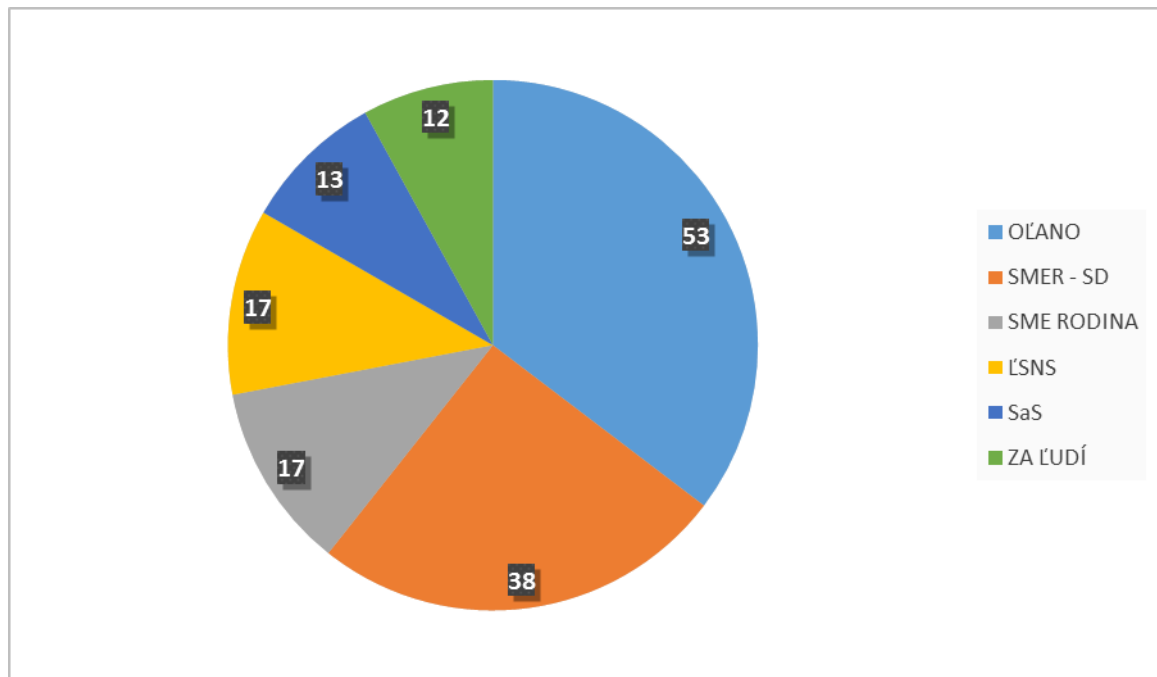
**Graph no. 1**  
**Results of dominant political entities in the parliamentary elections of February 29, 2020**



<sup>1</sup> Fico resigned, Pellegrini has the mandate to form a new government. [Online]: <https://spravy.pravda.sk/domace/clanok/462405-fico-podal-demisiu-pellegrini-ma-poverenie-zostavit-novu-vladu/> (Visited 24.11.2023).

**Graph no. 2**

**The political composition of the Slovak Parliament based on the election results in the elections held on February 29, 2020**



The period of the government of the right-wing government coalition was characterized by the struggle with the disease of COVID-19 and the introduction of strict anti-pandemic measures. It was also marked by the war events in Ukraine after February 2022. The Slovak government within the European Union supported the sanctions policy against the Russian Federation. It implemented humanitarian as well as military aid to the Ukrainian regime.<sup>1</sup> The entire governance was accompanied by conflicts in the government coalition, primarily between the political entities OĽANO and SaS. Several ministerial posts were repeatedly changed, and the prime minister was also changed.<sup>2</sup> Opposition political entities, and especially the SMER-SSD party, have repeatedly initiated a referendum on the holding of early parliamentary elections. A referendum on the possibility of shortening the electoral period and holding early parliamentary elections was held on January 21, 2023. It was invalid due to low voter turnout.<sup>3</sup> Another coalition crisis took place simultaneously with the referendum, which resulted in the departure of the SaS political party from the government coalition. Subsequently, the Slovak government was voted no-confidence in the parliament. The President of the Slovak Republic dismissed her on December 16, 2012.<sup>4</sup> On January 31, 2023, the National Council of the Slovak Republic decided by its resolution to shorten the

<sup>1</sup> Slovak Government Office: Heger claims that the EU must help Ukraine to the maximum extent possible. [Online]: [Online]: <https://www.vlada.gov.sk/heger-tvrdi-ze-eu-musi-do-najvyssej-moznej-miery-pomoc-ukrajine/> (Visited 22. 11.2023).

<sup>2</sup> Aktuality.sk: Prime Minister Eduard Heger [Online]: <https://www.aktuality.sk/tema/premier-eduard-heger/3/> (Visited 22. 11.2023).

<sup>3</sup> Aktuality.sk: Výsledky referenda 2023: Referendum je neúspešné. Ústava sa meniť nebude. [Online]: <https://www.aktuality.sk/clanok/k9GAMPq/vysledky-referenda-2023-referendum-je-neuspesne-ustava-sa-menit-nebude/> (Visited 20.11.2023).

<sup>4</sup>The President dismissed the government of Eduard Heger. [Online]: <https://www.prezident.sk/article/prezidentka-odvolala-vladu-eduarda-hegera/> (Visited 22.11.2023).

electoral period and to hold early parliamentary elections on September 30, 2023.<sup>1</sup> In the period from May 15, 2023 to October 25, 2023, Slovakia was governed by an official government. Early parliamentary elections in Slovakia were triggered by specific political developments. Their results confirmed the fact that Slovak society is politically polarized. Participation in early parliamentary elections in Slovakia, which took place on September 30, 2023, reached 68.51% of all voters, which was 3,007,123 voting citizens.<sup>2</sup> Compared to the voter turnout in the previous parliamentary elections (February 2020), the turnout was 2.71% higher, i.e. 90,283 more voters.<sup>3</sup> The results of early parliamentary elections are presented in table no. 1. and graphically in graph no. 3.

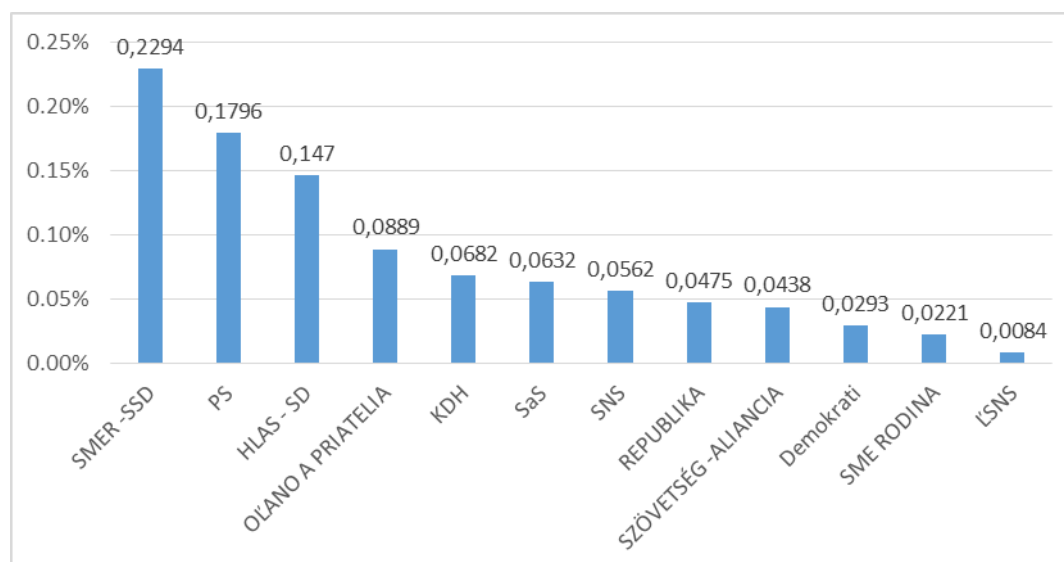
**Table no. 1**

**Results of dominant political entities in the parliamentary elections on September 30, 2023**

Politický subjekt	Výsledok v %	Počet hlasov
SMER – SD	22,94%	681 017
PS	17,96%	533 136
HLAS - SD	14,70%	436 415
OLANO A PRIATELIA, KÚ a ZA LUDÍ	8,89%	264 137
KDH	6,82%	202 515
SaS	6,32%	187 645
SNS	5,62%	166 995
REPUBLIKA	4,75%	141 099
SZÖVETSEĞ -ALIANCIA	4,38%	130 183
Demokrati	2,93%	87 006
SME RODINA	2,21%	65 673

**Graph no. 3**

**Results of dominant political entities in the parliamentary elections on September 30, 2023**



<sup>1</sup> NRSR: Early parliamentary elections will be held on September 30, 2023. [Online]: <https://www.nrsr.sk/web/Default.aspx?sid=udalosti/udalost&MasterID=56294> (Visited 22.11.2023).

<sup>2</sup>Statistical Office of the Slovak Republic: Summary voting results [Online]: [https://volbysr.sk/sk/suhrnne\\_vysledky.html](https://volbysr.sk/sk/suhrnne_vysledky.html) (Visited 22.11.2023).

<sup>3</sup> In the parliamentary elections in February 2020, participation was at the level of 65.80%, which amounted to 2,916,840 voters. [Online]: <https://volby.statistics.sk/nrsr/nrsr2020/sk/data01.html> (Visited 22.11.2023).

The election results indicate that it was mainly a battle of two political concepts. On the one hand, a social and largely national and conservative orientation, and on the other, a progressive, neo-liberal and fundamentally pro-European model. So it was mainly a fight between the political parties SMER - SD and Progressive Slovakia. Both political entities succeeded in mobilizing voters. Socially, nationally and conservatively oriented voters saw the SMER-SD political entity as the main opponent of progressive and neoliberal politics. Voters saw the electoral victory of SMERU - SD as a guarantee of social stability. After the collapse of the politics of the previous government coalition, progressive and liberal-oriented voters decided for PS.

The SMER-SD party won the parliamentary elections with an electoral result of 22.94%. Progressive Slovakia finished second with a result of 17.96%. The political party HLAS – SD finished third with a political profit of 14.7%. It should be emphasized that HLAS – SD ran in the parliamentary elections in 2023 for the first time. After its creation in 2020 by separating from the SMER-SD party, it was the long-term favorite of most pre-election polls. SMERU – SD succeeded in mobilizing voters and regaining the electoral lead. The decline in voter support of the HLAS – SD political party can be seen in its refusal to cooperate with the SMER – SD party after the election. Part of its potential voters feared that HLAS - SD could enter a government coalition with PS. With the SNS entering the parliament, the conditions were created for the new government to be formed by both social democratic parties (SMER – SD and HLAS – SD) together with the SNS. The WE FAMILY movement from the former government parties did not enter the parliament. The Party for People succeeded in the OĽANO candidate. ĽSNS and even the REPUBLIKA party, which separated from it, did not get into the parliament. The pre-election political preferences of the REPUBLIC party indicated that it would become a parliamentary political entity after the elections. It can be assumed that in the elections some of its potential voters eventually preferred the SMER - SD and SNS tent.<sup>1</sup> After 2016, KDH became a parliamentary subject again. The winner of the 2020 election, OĽANO, won 8.29%. Based on the results of the parliamentary elections in September 2023, the following political parties formed a government coalition: SMER – SD, HLAS – SD and SNS.<sup>2</sup> Róbert Fico (SMER – SD) became the head of the new Slovak government. The chairman of the political party HLAS – SD Peter Pelegríni was elected as the chairman of the Slovak parliament. SNS President Andrej Danko was elected Deputy Speaker of the Parliament. In the government of the Slovak Republic, the SMER – SD party won six ministries (finance, foreign affairs, defense, agriculture, transport and justice). The political party HLAS – SD won seven ministries (interior, education, social affairs and family work, health, economy, for European funds and the recovery plan, and the Ministry of Investments). SNS acquired three ministries (culture, environment and tourism).<sup>3</sup> The government coalition has a narrow majority in the Slovak parliament - 79 deputies. The political composition of the National Council of the Slovak Republic is presented in graph no. 4.

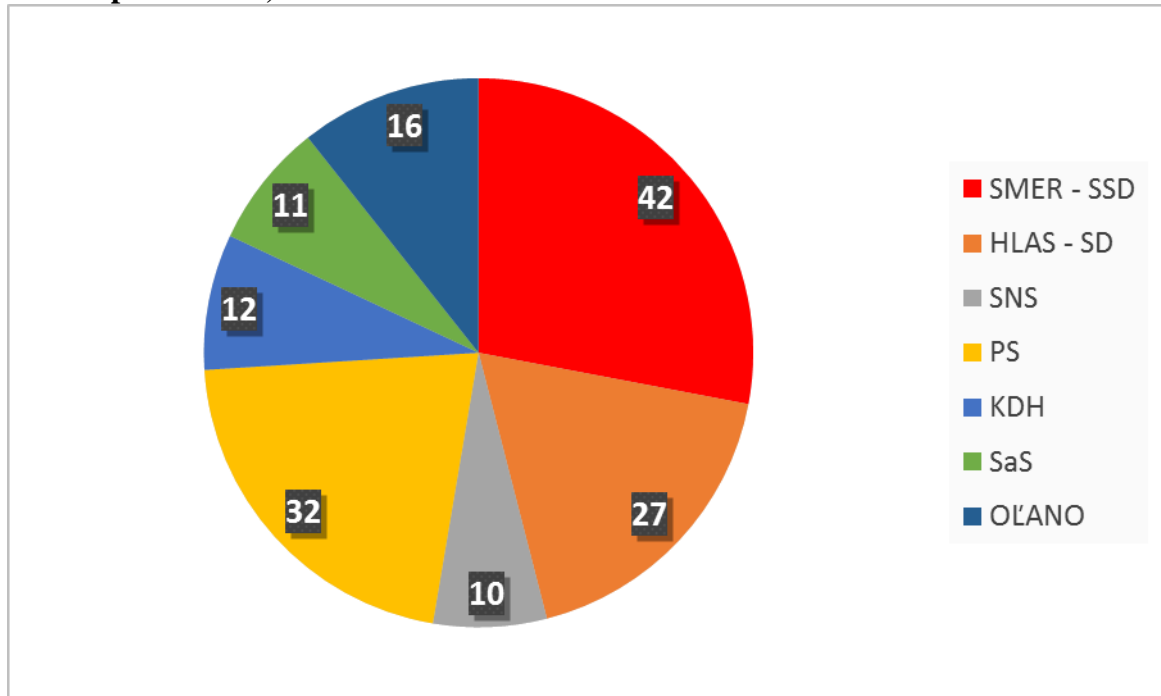
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<sup>1</sup> Agency Focus: Electoral preferences of political parties. [Online]: <https://www.focus-research.sk/> (Visited 06.12.2023).

<sup>2</sup> The leaders of Smer, Hlas and SNS signed a coalition agreement. Robert Fico announced how they shared the ministries. [Online]: [https://tvnoviny.sk/domace/clanok/862425-lidri-smeru-hlasu-a-sns-podpisali-koalicnu-dohodu-robert-fico-oznamil-ako-si-podelili-ministerstva?campaignsrc=tn\\_clipboard](https://tvnoviny.sk/domace/clanok/862425-lidri-smeru-hlasu-a-sns-podpisali-koalicnu-dohodu-robert-fico-oznamil-ako-si-podelili-ministerstva?campaignsrc=tn_clipboard) (Visited 06.12.2023).

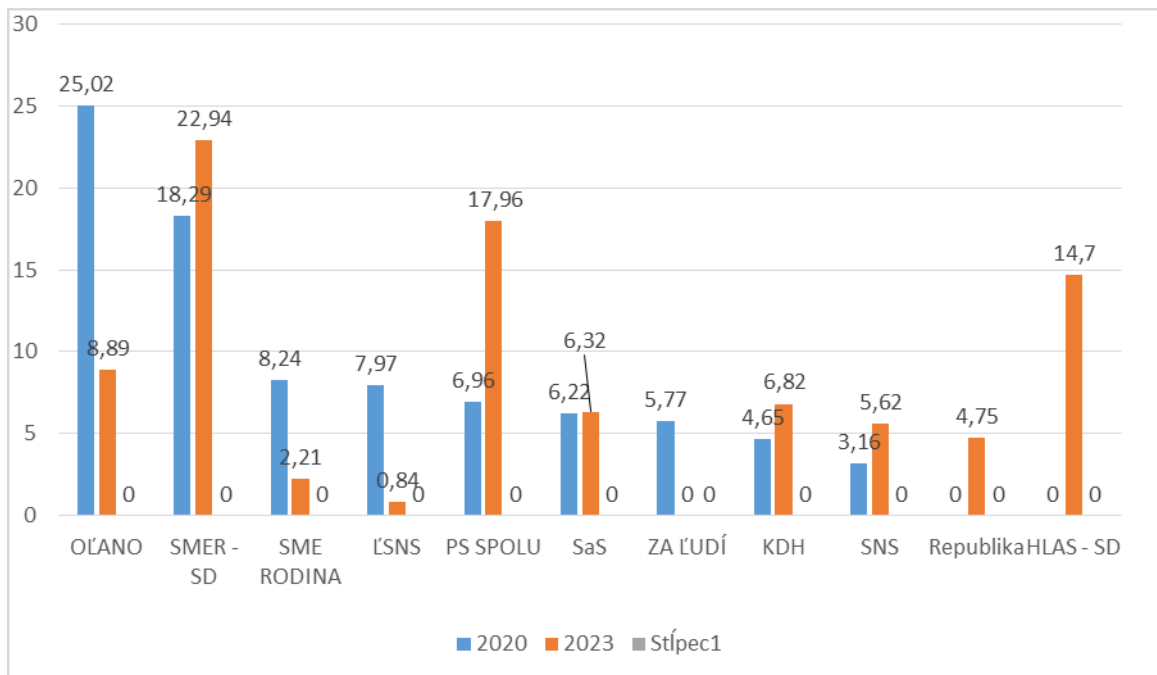
<sup>3</sup> TA3: The new government of the Slovak Republic is in the presidential palace. The president appointed Robert Fico as prime minister. [Online]: <https://www.ta3.com/clanok/907683/nova-vlada-sr-je-v-prezidentskom-palaci-prezidentka-vymenovala-roberta-fica-za-premiera> (Visited 06.12.2023).

**Graph no. 4**  
**Political composition of the Slovak Parliament based on the results of the elections held on September 30, 2023**



From a political point of view, we consider it interesting to compare the results of the parliamentary elections in 2020 and 2023. Based on this comparison, it is possible to follow the movements of the voters' votes over the past period. We present this comparison in graph no. 5.

**Graph no. 5**  
**Comparison of support for dominant political parties based on electoral results in the 2020 and 2023 elections**





Based on the mentioned comparison, we see a radical collapse of the OĽANO political movement by more than 16% of the vote. Despite the fact that the HLAS-SD party separated from it, the SMER-SD party won 4.65% more votes than in the 2020 elections. HLAS-SD won 14.7% of the votes in the 2023 elections. Social democratic parties won a combined 37.64% of votes in early parliamentary elections in Slovakia. Compared to the parliamentary elections in 2020, it was 19.35% more votes.<sup>1</sup> After the parliamentary elections in 2020, it represented nationally or nationalist-oriented voters in the Slovak parliament with a gain of 7.97% for the ĽSNS. After its split and the creation of the REPUBLIC political party, the electoral vote was divided, which disqualified both political entities from parliamentary activity in the 2023 elections. A total of 5.59% of the votes were lost. It can be concluded that the aforementioned had an impact on the strengthening of the SNS in the 2023 elections, which reached the parliament with a gain of 5.62%, which was 2.46% more voters than in 2020.<sup>2</sup>

Of the governmental political entities in the years 2020-2023, the OĽANO political movement experienced the biggest political collapse in the 2023 elections. It lost 16.13% of the electoral votes. At the same time, it should be noted that in the 2023 elections, several political entities ran on his candidate list. Among them is the former government party FOR THE PEOPLE. Together they won 8.89% of the votes. The SME RODINA political movement lost more than 6% of the vote in the 2023 elections and did not enter parliament. We can state that the right-wing political parties of the former government coalition lost a total of 22.16% of votes in the 2023 parliamentary elections (OĽANO, WE ARE A FAMILY, FOR THE PEOPLE). The only political entity from the former government coalition that obtained similar election results in 2020 and 2023 was Sloboda a Solidarita (SaS). She won more than 6% of the votes. It can be stated that a significant part of the liberal voters of the parties of the former government coalition was won by the PS. In the parliamentary elections in 2023, it won 11% more votes than in 2020. KDH won 2.17% more votes in the 2023 elections than in 2020. It thus became a parliamentary entity.

A comparison of the election results in 2020 and 2023 in Slovakia shows a significant increase in support for social democratic political parties. The increase in support for Progressive Slovakia can be seen as a reaction of liberal voters to the unsuccessful governance of the former government coalition. The new government coalition was formed by two social democratic parties (SMER – SD, HLAS – SD) together with the Slovak National Party (SNS). However, they will have a narrow majority of 79 parliamentary votes in the parliament. Four political entities will operate in the opposition environment. Of them, PS and SaS can be evaluated as liberal political entities. KDH can be evaluated as a conservative and pro-European political entity. After the parliamentary elections in 2023, OĽANO changed its name to the political movement SLOVAKIA and continues to remain a populist, liberal political entity.<sup>3</sup> The results of the parliamentary elections on September 30, 2023 mean the replacement of the Slovak government and the return of the social democrats to power, but at the same time point to the significant political polarization of Slovak society.

### **Conclusions**

The thesis provides a brief genesis of political development in Slovakia and the basic characteristics of dominant political entities. It presents and analyzes the results of the parliamentary elections in 2020 and 2023. Based on this analysis, it emphasizes movements in the political consciousness and behavior of Slovak voters. The results of the parliamentary elections in September 2023 mean the return of social democrats and national-conservative

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<sup>1</sup> In the parliamentary elections in 2020, Peter Pelegríni was the leader of the candidate list of the SMER – SD party.

<sup>2</sup> Celebrities who ran for the ĽSNS political party in the 2020 elections also ran on the SNS candidate list.

<sup>3</sup> Pravda: The OĽANO movement has changed its name again, it will be called Slovakia. [Online]: <https://spravy.pravda.sk/domace/clanok/686222-hnutie-olano-opat-zmenilo-nazov-bude-sa-volat-slovensko/> (Visited 22.11.2023).

political forces to positions of power in Slovakia after more than three years. Nevertheless, the results of the parliamentary elections prove the political polarization of Slovak society.

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<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.07>



Revista Moldovenească de Drept Internațional și Relații Internaționale /  
Moldavian Journal of International Law and International Relations /  
Молдавский журнал международного права и международных отношений

2024, Issue 2, Volume 19, Pages 108-115.

ISSN 1857-1999 EISSN 2345-1963

Submitted: 25.06.2024 | Reviewed: 30.06.2024 | Accepted: 07.07.2024 | Published: 15.07.2024

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.08>

**TRIBUNA TÎNĂRULUI CERCETĂTOR  
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**DIPLOMAȚIA PARLAMENTARĂ  
ÎN CONTEXTUL POLITICII DE LĂRGIRE A UNIUNII EUROPENE**

**PARLIAMENTARY DIPLOMACY  
IN THE CONTEXT OF EU ENLARGEMENT POLICY**

**ПАРЛАМЕНТСКАЯ ДИПЛОМАТИЯ  
В КОНТЕКСТЕ ПОЛИТИКИ РАСШИРЕНИЯ ЕВРОПЕЙСКОГО СОЮЗА**

BARBĂSCUMPĂ Aliona\* / BARBASCUMPA Aliona / БАРБЭСКУМПЭ Алена

ABSTRACT:

**PARLIAMENTARY DIPLOMACY  
IN THE CONTEXT OF EU ENLARGEMENT POLICY**

*Parliamentary diplomacy has advanced with the globalization of processes and events, representing an important side complementing international diplomacy.*

*The role of parliamentarians at the diplomatic level is expressed through actions promoting political pluralism, promoting democratic parliamentary standards, contributing to and achieving results in conflict prevention and solving conflicts, promoting human rights, actions realized through political dialogue with counterparts from other countries.*

*In the process of negotiations on the Republic of Moldova's accession to the European Union, parliamentary diplomacy has gained more and more interest, as it is the Members of Parliament who have the necessary leverage to critically influence the dynamics of the negotiations on accession to the European Union.*

**Key words:** *parliamentary diplomacy, foreign policy, negotiations, accession to the European Union, representation, globalization, international forum, legislative institutions, intergovernmental conference.*

**JEL Classification:** K33

**Universal Decimal Classification:** 341.7/.8

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.08>

REZUMAT:

**DIPLOMAȚIA PARLAMENTARĂ  
ÎN CONTEXTUL POLITICII DE LĂRGIRE A UNIUNII EUROPENE**

*Diplomația parlamentară a progresat odată cu globalizarea proceselor și a evenimentelor, reprezentând o latură importantă care completează diplomația internațională.*

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*Rolul parlamentarilor în palierul diplomatic este materializat prin acțiunile de promovare a pluralismului politic, promovarea standardelor parlamentare democratice, contribuirea și obținerea de rezultate în prevenirea și soluționarea conflictelor, promovarea drepturilor omului, acțiuni realizate prin dialogul politic cu omologii din alte state.*

*În procesul negocierilor de aderare a Republicii Moldova la Uniunea Europeană diplomația parlamentară a căpătat tot mai mult interes, deputații fiind acei care dețin pârghiile pentru a influența criant dinamica negocierilor de aderare la Uniunea Europeană.*

**Cuvinte-cheie:** diplomație parlamentară, politică externă, negocieri, aderarea la Uniunea Europeană, reprezentarea, globalizare, forum internațional, instituții legislative, conferință interguvernamentală.

**JEL Classification:** K33

**CZU:** 341.7/.8

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.08>

**РЕЗЮМЕ:  
ПАРЛАМЕНТСКАЯ ДИПЛОМАТИЯ  
В КОНТЕКСТЕ ПОЛИТИКИ РАСШИРЕНИЯ ЕВРОПЕЙСКОГО СОЮЗА**

*Парламентская дипломатия развивается по мере глобализации процессов и событий, представляя собой важную сторону, дополняющую международную дипломатию.*

*Роль парламентариев на дипломатическом уровне материализуется в действиях по продвижению политического плюрализма, продвижению демократических парламентских стандартов, содействию и достижению результатов в предотвращении и разрешении конфликтов, продвижении прав человека, действиях, осуществляемых посредством политического диалога с коллегами из других государств.*

*В процессе переговоров о вступлении Республики Молдова в Европейский Союз парламентская дипломатия приобретает все более значительный интерес, поскольку именно у парламентариев есть необходимые инструменты для оказания критического влияния на динамику переговоров о вступлении в Европейский Союз.*

**Ключевые слова:** парламентская дипломатия, внешняя политика, переговоры, вступление в Европейский Союз, представительство, глобализация, международный форум, парламентские учреждения, межправительственная конференция.

**JEL Classification:** K33

**УДК:** 341.7/.8

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.08>

**Introducere**

Odată cu globalizarea proceselor și a evenimentelor, alături de diplomația internațională „clasică”, exprimată prin ministerele de externe și diplomații din ambasade și consulate, inclusiv rolul prim-ministrului ca actor politic cheie al puterii executive, s-a conturat din ce în ce mai pregnant și diplomația parlamentară, numită și „diplomație instituțională”<sup>1</sup>.

Conceptul de diplomație parlamentară definește cadrul politic care oferă parlamentarilor posibilitatea de a se prezenta în rol de diplomat și facilitează intervenția forurilor legislative în formularea politicii externe și controlul ei.<sup>2</sup>

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<sup>1</sup> Parliamentary Diplomacy as a Helpful Instrument in Foreign Policy, ACADEMIC PAPERS AND ARTICLES, INSTITUTE FOR CULTURAL DIPLOMACY, MIRSADA HALLUNAJ, 2005, Canada. [Online] <https://www.agora-parl.org/sites/default/files/agora-documents/Parliamentary%20Diplomacy%20as%20a%20Helpful%20Instrument%20in%20Foreign%20Policy.pdf> (vizitat la 15.06.2024)

<sup>2</sup>Silvia Dulschi. Diplomația Parlamentară – Factor Important în cooperarea internațională. În: Relații internaționale și integrare europeană. Academia de Administrare Publică de pe lângă Președintele Republicii Moldova, nr. 1, 2011, pag. 135 [Online] [https://ibn.idsi.md/sites/default/files/imag\\_file/18.Diplomatia%20parlamentara.pdf](https://ibn.idsi.md/sites/default/files/imag_file/18.Diplomatia%20parlamentara.pdf) (vizitat la 13.06.2024)

Diplomația parlamentară este mijlocul prin care două sau mai multe parlamente poartă un dialog permanent cu privire la problemele internaționale cheie<sup>1</sup>.

Evoluțiile actuale din domeniul politic, economic, cultural, social și de mediu determină ca parlamentarii să comunice mai intens cu cetățenii. Acest fenomen permite cetățenilor și societății în ansamblu să înțeleagă corelația dintre globalizare și cum aceasta se transpune în preocupările zilnice ale oamenilor, care, la rândul lor își lasă amprenta în politici naționale și internaționale.

Rolul parlamentarilor în palierul diplomatic este alcătuit din activități de promovare a pluralismului politic, promovarea standardelor parlamentare democratice, contribuirea și obținerea de rezultate în prevenirea și soluționarea conflictelor, promovarea drepturilor omului, reducerea sărăciei, precum și identificarea altor situații stringente, care necesită implicare prin dialogul politic, urmărind obținerea de rezultate și soluții optime.

Valoarea legislativă de dimensiuni și capacități internaționale ale parlamentelor naționale este transpusă prin activități de reprezentare și lobare (lobbying diplomacy).

### **Diplomația parlamentară**

Prima și cea mai răspândită formă a diplomației parlamentare este realizată prin reprezentare. La baza acesteia identificăm activitățile cu privire la elaborarea și aprobarea direcțiilor de politici internaționale, ratificarea tratatelor internaționale, punerea în acțiune a acordurilor internaționale, reprezentarea statului în străinătate prin organizarea și realizarea întrevederilor la nivel de comisii de profil, cu implicarea specialiștilor, pentru cooperare și schimb de experiență. Un alt instrument eficient pentru crearea platformei discuțiilor și identificarea soluțiilor la nivel legislativ, îl constituie grupurile de prietenie din parlamente, motiv pentru care un stat mai puțin dezvoltat va fi mult mai interesat să aibă grupuri de prietenie cu cât mai multe state.

Reprezentarea mai este realizată prin constituirea delegațiilor permanente sau temporare la organizațiile internaționale care reprezintă parlamentul în relațiile internaționale. În acest sens, deputații din Parlamentul Republicii Moldova pot deține și calitatea de membru delegat în una sau mai multe instituții și organizații internaționale, precum ar fi: Adunarea Parlamentară a Francofoniei (APF), Adunarea Parlamentară la OSCE, Comitetul Parlamentar de Asociere (CPA) RM-UE, Adunarea Parlamentară a Consiliului Europei, Adunarea Parlamentară a Organizației pentru Securitate și Cooperare în Europa, Uniunea Interparlamentară, și Adunarea Parlamentară a Cooperării Economice a Mării Negre.

Participarea la forumurile internaționale de negociere acordă posibilitatea de a influența politica statelor, de a observa progresul și rezultatele înregistrate, ratificarea tratatelor semnate de guverne, atunci când Constituția statului o prevede, și contribuirea la punerea în aplicare a acestora.

În cazul republicilor parlamentare, președintele parlamentului reprezintă farul vectorului politic pe plan internațional. O a treia formă de reprezentare realizată prin diplomație parlamentară este transpusă prin activitatea desfășurată de conducerea parlamentului, și anume de către președintele parlamentului, inclusiv de către vicepreședinții parlamentului.

Odată ce dialogul interparlamentar a obținut o conotație de proporție la nivel internațional, oferind posibilitatea abordării și rezolvării situațiilor complexe, acesta a căpătat diferite expresii, precum: Conferința Președinților Parlamentelor statelor Strategiei Uniunii Europene pentru Regiunea Dunării, Conferința Președinților de Parlament din statele membre ale Uniunii Europene, Conferința internațională „Black Sea and Balkans Security Forum”, Conferința Europeană a Președinților de Parlamente, Conferința Președinților Regionalei

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<sup>1</sup> Parliamentary Diplomacy as a Helpful Instrument in Foreign Policy, ACADEMIC PAPERS AND ARTICLES, INSTITUTE FOR CULTURAL DIPLOMACY, MIRSADA HALLUNAJ, 2005, Canada. [Online] <https://www.agora-parl.org/resources/library/parliamentary-diplomacy-helpful-instrument-foreign-policy> (vizitat la 15.06.2024)

Europa, inclusiv Summit-ul președinților de parlamente din întreaga lume, acesta din urmă fiind un forum unic pentru dialog și cooperare între parlamente la cel mai înalt nivel.

Până în prezent, au fost desfășurate cinci conferințe mondiale a președinților de parlamente naționale, la un interval de 5 ani fiecare, sub formă de SUMMIT PARLAMENTAR MONDIAL, centrat pe democrație, rolul instituțiilor legislative și relația acestora cu Organizația Națiunilor Unite.

În cadrul primei Conferințe mondiale a președinților de parlamente naționale, care a avut loc la 30 august - 1 septembrie 2000, a fost emisă Declarația „Viziunea parlamentară pentru cooperarea internațională la începutul mileniului al treilea”, potrivit căreia s-a făcut apel la Organizația Mondială pentru cooperarea interparlamentară și pentru transmiterea viziunii și voinței membrilor săi către organizațiile interguvernamentale „Uniunea Interparlamentară”, precum și la toate parlamentele, ca acestea să ofere o dimensiune parlamentară cooperării internaționale. În textul Declarației se menționează: Parlamentele întruchipează suveranitatea poporului și pot, în deplină legitimitate, să contribuie la exprimarea voinței statului pe plan internațional<sup>1</sup>. Potrivit acestui document, pentru a asigura dimensiunea parlamentară, parlamentele și membrii acestora trebuie să își asume o responsabilitate sporită în relațiile internaționale, să joace un rol mai activ la nivel național, regional și mondial și, în general, să consolideze diplomația parlamentară.<sup>2</sup>

Mai mult, documentul menționează că dimensiunea parlamentară urmează a fi asigurată de către instituțiile parlamentare, nivelul național servind drept punct de plecare.

Acțiunea de respectare a angajamentelor asumate în cadrul forurilor internaționale și regionale, care sunt acum mai importante ca niciodată, necesită implicarea parlamentelor, iar multe dintre problemele abordate de parlamente la nivel național au o dimensiune internațională<sup>3</sup>.

Potrivit Declarației de la cea de-a doua Conferință mondială a președinților de parlamente, care a avut loc la 7-9 septembrie 2005, parlamentele trebuie să fie active în afacerile internaționale nu numai prin cooperare interparlamentară și diplomație parlamentară, ci și prin contribuția la negocierile internaționale și monitorizarea acestora, prin supravegherea aplicării a ceea ce este adoptat de către guverne și prin asigurarea conformității naționale cu normele internaționale și cu statul de drept. În mod similar, parlamentul trebuie să fie mai vigilent în examinarea activităților organizațiilor internaționale și să contribuie la deliberările acestora.<sup>4</sup>

În textul Declarației adoptate la cea de-a treia Conferință mondială a președinților de parlamente, desfășurată la Geneva, Organizația Națiunilor Unite, în perioada 19-21 iulie 2010, și intitulată “Asigurarea responsabilității democratice globale pentru binele comun”, se menționează: rămânem fermi convinși că parlamentele democratice, puternice și eficiente sunt vitale pentru o pace durabilă.<sup>5</sup>

Cea de-a patra Conferință mondială a președinților de parlamente s-a încheiat cu emiterea Declarației privind „Punerea democrației în serviciul păcii și al dezvoltării durabile: Construirea lumii pe care și-o doresc oamenii”, care în alineatul (5) prevede: pacea și securitatea sunt condiții prealabile pentru democrație și dezvoltare durabilă. Solicităm să se

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<sup>1</sup> The Declaration, entitled the "Parliamentary vision for international cooperation at the dawn of the third millennium". CONFERENCE OF PRESIDING OFFICERS OF NATIONAL PARLIAMENTS U.N. Headquarters, New York, 30 August - 1st September 2000 Organised by the Inter-Parliamentary Union in cooperation with the United Nations. [Online] <http://archive.ipu.org/splz-e/sp-dclr.htm> (vizitat la 24.06.2024)

<sup>2</sup> Ibidem

<sup>3</sup> Ibidem

<sup>4</sup> SECOND WORLD CONFERENCE OF SPEAKERS OF PARLIAMENTS. United Nations Headquarters, New York, 7 to 9 September 2005. Bridging the democracy gap in international relations: A stronger role for parliaments Declaration adopted by consensus. [Online] <http://archive.ipu.org/splz-e/sp-conf05/declaration.pdf> (vizitat la 24.06.2024)

<sup>5</sup> 3rd WORLD CONFERENCE OF SPEAKERS OF PARLIAMENT United Nations, Geneva, 19-21 July 2010 21 July 2010 DECLARATION ADOPTED BY THE CONFERENCE Securing global democratic accountability for the common good, pag. 4. [Online] <http://archive.ipu.org/splz-e/speakers10/declaration.pdf> (vizitat la 24.06.2024)

depună eforturi mult mai mari pentru soluționarea conflictelor prin dialog politic și negocieri, cu respectarea deplină a dreptului internațional și prin abordarea cauzelor profunde ale conflictului. Ne propunem să punem mai mult accentul pe diplomația parlamentară, care și-a demonstrat capacitatea de a impulsiona eforturile de soluționare a divergențelor și conflictelor.<sup>1</sup>

Prin organizarea de conferințe la nivel internațional au loc reuniunile reprezentanților unor state cu scopul de a dezbate și de a hotărî asupra unor probleme curente și de perspectivă ale activității lor<sup>2</sup>. Adunarea Parlamentară a Consiliului Europei (APCE), care este organul statutar „deliberativ”, format din reprezentanți ai parlamentelor naționale ale statelor membre (46 de state membre), a organizat cea de-a cincea Conferință Parlamentară privind implementarea standardelor Convenției Europene a Drepturilor Omului, care s-a desfășurat în perioada 8-10 septembrie 2019. Subiectul conferinței a fost rolul cheie al parlamentelor naționale. La conferința în cauză au participat inclusiv membri Parlamentului Republicii Moldova. Aceste forme de reuniuni permit o mai inclusivă participare la luarea deciziilor care asigură un forum democratic pentru dezbateri și monitorizează alegerile din statele membre, au impact direct în sistemul juridic național, contribuie la dezvoltarea statului de drept și la fortificarea valorilor democratice.

La cea de-a cincea Conferință mondială a președinților de parlamente a fost emisă o Declarația privind conducerea parlamentară pentru un multilateralism mai eficient care să asigure pacea și dezvoltarea durabilă pentru oameni și planetă, potrivit căreia conferințele mondiale anterioare ale președinților de parlamente au afirmat că sistemul multilateral nu se mai poate dispensa de participarea parlamentelor și au evidențiat ambiția de a conferi o dimensiune mai democratică procesului decizional și cooperării internaționale prin participarea parlamentară. Deciziile luate într-un cadru multilateral în care vocea parlamentelor noastre este auzită sunt mai democratice, mai incluzive și mai durabile. În plus, parlamentele au un rol esențial în transpunerea angajamentelor internaționale în realități naționale prin intermediul legislației, al alocărilor bugetare și al supravegherii. Pentru a fi eficient, multilateralismul trebuie să fie susținut de acorduri executorii și dotat cu mecanisme puternice de responsabilizare la nivel național și internațional. Responsabilitatea se află în centrul activității tuturor parlamentelor și face parte din mandatul nostru constituțional. Prin urmare, credem cu tărie că parlamentele noastre pot contribui la asigurarea responsabilității ca o extensie naturală a interacțiunii noastre cu Națiunile Unite. Angajamentul nostru pe scena internațională și în cadrul sistemului ONU va avansa și va consolida legitimitatea Organizației Națiunilor Unite ca organism global în care „Noi, popoarele” suntem într-adevăr popoarele Organizației Națiunilor Unite, astfel cum este proclamat în Carta sa. Nu în ultimul rând, diplomația parlamentară poate fi esențială în eforturile de promovare a încrederii, înțelegerii și cooperării între națiuni.<sup>3</sup>

Una din modalitățile de materializare a componentei de lobare în activitatea diplomației parlamentare este realizată pe plan intern, prin promovarea actelor normative în procesul de comunicare interinstituțională, în vederea adoptării acestora. Pe lângă consultările publice organizate la care participă deopotrivă experți, specialiști în domeniu și societatea civilă, un instrument eficient îl constituie tabelele de concordanță, care conțin informație cu privire la Titlul actului Uniunii Europene cu cele mai recente modificări ale acestuia, tipul proiectului

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<sup>1</sup> Fourth World Conference of Speakers of Parliament United Nations Headquarters, New York 31 August to 2 September 2015. Conference Item 5. CONF-2015/5-R 2 September 2015. Declaration Placing democracy at the service of peace and sustainable development: Building the world the people want, page 1. [Online] <http://archive.ipu.org/splz-e/speakers15/declaration.pdf> (vizitat la 24.06.2024)

<sup>2</sup> [Online] <https://dexonline.ro/definitie/conferin%C8%9B%C4%83> (vizitat la 28.06.2024)

<sup>3</sup> Fifth World Conference of Speakers of Parliament. Virtual meeting, 19 and 20 August 2020. In-person conference, 2021 in Vienna. Declaration on parliamentary leadership for more effective multilateralism that delivers peace and sustainable development for the people and planet. Declaration adopted by consensus\* by the Speakers of parliament and the President of the Inter-Parliamentary Union.

[Online] <https://www.ipu.org/event/fifth-world-conference-speakers-parliament> (vizitat la 25.06.2024)



de act normativ național/tipul actului normativ național, și gradul general de compatibilitate. Elaborarea tabelului de concordanță pentru fiecare act normativ duce la o mai eficientă transpunere a legislației Uniunii Europene în legislația internă a țării.

Pe plan extern, activitatea de lobare este materializată prin activitatea deputaților în cadrul întrevederilor cu omologii acestora, când protejarea drepturilor și garanțiilor cetățenilor noștri peste hotarele Republicii Moldova, inclusiv a cetățenilor care locuiesc pe teritoriul țării, alcătuiesc obiectul discuțiilor. Aici pot servi drept exemple intențiile Republicii Moldova de a încheia acte internaționale bilaterale și/sau multilaterale cu caracter economic, sau care au ca obiect securitatea socială, atragerea investițiilor, sprijin politic pentru Moldova, asistență și expertiză în procesul de aderare la Uniunea Europeană.

Dat fiind faptul că rolul deputaților din Parlamentul Republicii Moldova este cel de prezentare a situației interne a țării - deputaților din Parlametele țărilor Uniunii Europene, deputații sunt acei care pot influența puternic dinamica negocierilor de aderare – sprijin necesar pe întreaga durată a procesului negocierilor de aderare<sup>1</sup>.

### **Diplomația parlamentară și procesul de aderare la Uniunea Europeană**

Procesul de aderare la Uniunea Europeană, promovat consecvent de guvernarea PAS, cu obiective concrete, reclamă, firește, responsabilitate și obiectivitate, evitarea acreditării tezelor false privind planurile de viitor, prudență în acțiuni și, desigur, multă diplomație și abilitate politică<sup>2</sup>.

Este extrem de important ca Republica Moldova să desfășoare o diplomație parlamentară în continuă ascensiune, precum și activități informative în raport atât cu parlamentele statelor membre ale Uniunii Europene, cât și cu cetățenii Republicii Moldova.

Republica Moldova a depus cerere de aderare la Uniunea Europeană în data de 3 martie 2022, în conformitate cu art. 49 și art. 2 din Tratatul privind Uniunea Europeană.<sup>3</sup>

La 23 iunie 2022, Consiliul European a acordat Republicii Moldova statutul de țară candidată pentru aderare la Uniunea Europeană. Iar la 14 decembrie 2023, Consiliul European a decis demararea negocierilor de aderare cu Republica Moldova.

În procesul privind negocierile de aderare a Republicii Moldova la Uniunea Europeană, un rol esențial îl are diplomația parlamentară, dat fiind faptul că parlamentele statelor membre ale Uniunii Europene prezintă poziția națională pentru negocierile care au loc la nivelul Uniunii Europene.

Negocierile de aderare se desfășoară sub formă de Conferință Interguvernamentală (CIG), la care participă toate 27 state membre ale Uniunii Europene.

Odată ce Republica Moldova a îndeplinit toate recomandările Comisiei Europene, a fost fixată prima Conferință Interguvernamentală Moldova - Uniunea Europeană, care a avut loc la 25 iunie curent. Această primă Conferință Interguvernamentală Moldova - Uniunea Europeană a fost precedată de alte două etape:

1) avizul consultativ al Comisiei politice externe și integrare europeană din Parlamentul Republicii Moldova privind inițierea negocierilor asupra proiectului Tratatului de aderare a Republicii Moldova la Uniunea Europeană;

2) semnarea Decretului de către Președintele Republicii Moldova, dna Maia SANDU, privind inițierea negocierilor de aderare a Republicii Moldova la Uniunea Europeană.

Pentru a susține procesul de asociere și de negociere privind aderarea la Uniunea Europeană, este foarte important ca eforturile diplomatice ale Parlamentului să fie concentrate pe acel stat care are o poziție reticentă, sau negativă chiar, față de cadrul legislativ al Republicii Moldova.

<sup>1</sup> Vladimir Medak, Primoz Vehar. Manual Armonizarea legislației ca element cheie pentru succesul procesului de integrare a Republicii Moldova în Uniunea Europeană. Diplomația parlamentară, pag. 164

<sup>2</sup> Moldova Europeană. Limba română. Revistă de știință și cultură Nr. 5-6 (283-284), mai - iunie 2023. Chișinău, pag. 9-10

<sup>3</sup> Ibidem, pag. 149

O altă dimensiune importantă o reprezintă colaborarea cu Parlamentul European, în special cu Comisia pentru Afaceri Externe (AFET) a Parlamentului European, comisie responsabilă pentru monitorizarea negocierilor de aderare în numele Parlamentului European.

Parlamentul European este format din reprezentanții diferitelor partide, iar grupurilor politice care formează majoritatea Comisiei Europene le revine un rol esențial. Toate partidele fiind interesate de negocierile de aderare, fiecare desemnează un raportor per țară candidată. Iar în temeiul rapoartelor întocmite de acestea, Parlamentul European adoptă rezoluția anuală privind aderarea țărilor candidate la Uniunea Europeană.

### Concluzii

Aș dori să închei articolul cu extras din Raportul Comisiei pentru afaceri politice, de la Adunarea Parlamentară din 2010, care în punctul 4 menționează că Diplomația parlamentară și metodele sale obțin adesea rezultate care sunt greu de obținut prin alte canale convenționale. Contactele constante cu parlamentele din străinătate contribuie la schimbul de experiență între parlamentari și, în plus, favorizează înțelegerea între elitele politice din țările respective. Adunarea recunoaște că dialogul și cooperarea între parlamentari, care reprezintă însăși esența diplomației parlamentare, contribuie în mod pozitiv la atenuarea tensiunilor dintre state și la găsirea unor soluții viabile la probleme complexe, în special cele din domeniul drepturilor omului, al democrației parlamentare și al statului de drept.<sup>1</sup>

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<sup>1</sup> Autor(i): Adunarea Parlamentară. Origine - Text adoptat de Comisia permanentă, acționând în numele Adunării, la 12 noiembrie 2010 (a se vedea Doc. 12428, raportul Comisiei pentru afaceri politice, raportor: dl Mota Amaral) [Online] <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17926&lang=en> (vizitat la 25.06.2024)

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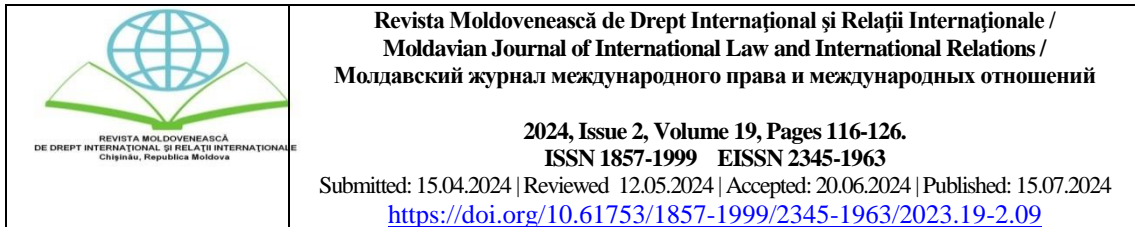
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<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.08>



**TRIBUNA TÎNĂRULUI CERCETĂTOR  
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**ПУТЬ В ЕС: СТРЕМЛЕНИЕ МОЛДОВЫ И УКРАИНЫ ИСКОРЕНИТЬ  
КОРРУПЦИЮ – СРАВНИТЕЛЬНАЯ ПРАВОВАЯ ПЕРСПЕКТИВА**

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ABSTRACT:

**PATH TO THE EU: MOLDOVA AND UKRAINE'S QUEST TO ERADICATE  
CORRUPTION – A COMPARATIVE LEGAL PERSPECTIVE**

*This article compares anti-corruption legislation in Moldova and Ukraine, examining their alignment with each other which is essential in the context of their aspirations for European integration. It analyses primary legal rules and relevant court judgements, emphasising differences and similarities in defining and interpreting corruption. Moldova's broader approach contrasts with Ukraine's focus on public sector corruption exclusively, revealing varying degrees of harmonisation.*

*The study concludes that despite sharing foundational elements in defining corruption, both countries need to improve transparency and accountability standards to meet European anti-corruption standards.*

**Key words:** *corruption, anti-corruption legislation, European integration, interpretation, definition of corruption, European Union.*

**JEL Classification:** K33

**Universal Decimal Classification:** 341.29.009(100)

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.09>

REZUMAT:

**CALEA CĂTRE UE: ÎNCERCAREA MOLDOVEI ȘI UCRAINEI DE A  
ERADICA CORUPȚIA – O PERSPECTIVĂ JURIDICĂ COMPARATIVĂ**

*Articolul dat compară legislația anticorupție din Republica Moldova și Ucraina, examinând cât de armonizate sunt, ce este esențial în contextul integrării europene. Acesta analizează normele juridice*

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primare și hotărârile judecătorești relevante cu scopul de a identifica diferențele și asemănările în definițiile și interpretarea corupției din ambele sisteme juridice.

Studiul acesta ajunge la o concluzie că, cu toate că ambele țări au câteva elemente fundamentale ale corupției în comun în definițiile lor domestice, legislația anticorupție a Moldovei contrastează cu cea din Ucraina pentru că ultima se concentrează exclusiv pe corupția din sectorul public.

**Cuvinte cheie:** corupție, legislație anticorupție, integrare europeană, definiția corupției, interpretare, Uniunea Europeană.

**JEL Classification:** K33

**CZU:** 341.29.009(100)

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.09>

РЕЗЮМЕ:

### ПУТЬ В ЕС: СТРЕМЛЕНИЕ МОЛДОВЫ И УКРАИНЫ ИСКОРЕНИТЬ КОРРУПЦИЮ – СРАВНИТЕЛЬНАЯ ПРАВОВАЯ ПЕРСПЕКТИВА

В данной статье сравниваются антикоррупционные законодательства Молдовы и Украины в контексте стремления обоих государств к европейской интеграции. Рассматривая соответствие двух систем друг другу, в настоящей статье анализируются основные правовые понятия и соответствующие судебные решения. Особое внимание уделено сходствам и различиям в определении и толковании понятия «коррупция» на законодательном уровне.

В исследовании делается вывод, что, несмотря на то, что обе правовые системы разделяют основополагающие элементы коррупции, более существенный подход молдавского законодательства к определению коррупции контрастирует с украинским, который определяет коррупцию возможной только в публичном секторе.

**Ключевые слова:** коррупция, антикоррупционное законодательство, европейская интеграция, определение коррупции, интерпретация, Европейский Союз.

**JEL Classification:** K33

**УДК:** 341.29.009(100)

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.09>

## 1. Introduction

Recently, Moldova and Ukraine, two long-lasting aspirers for European integration, undertook their first steps on the path of joining the European Union (EU). Nevertheless, it does not mean that these states have resolved all their domestic problems. Both states continue their decades-long struggle against numerous issues that date back to their Communist heritage. Among them, in a recent survey, Ukrainians named corruption as the most concerning one.<sup>1</sup> In this context, corruption should be understood in everyday, rather than academic, terms as *illegal behaviour of people in authority driven by personal interest*.<sup>2</sup>

Ukrainian President Zelenskyy suggested a rather radical legal solution to this problem: “Equating corruption to state treason during wartime [...] will be a very serious instrument to make [state officials] not even think about [corruption]”.<sup>3</sup> While an extreme measure, it shows his dedication to legally address this issue. For Moldova and Ukraine, eradicating corruption

<sup>1</sup> A Hrushetskyi, ‘Public Perception of the Main Problems (Except War) and Who Should Make Efforts to Fight Corruption: Results of a Telephone Survey Conducted September 30–October 11, 2023’ (2023) *Kyiv International Institute of Sociology*, Graph 1, available at: <<https://kiis.com.ua/?lang=eng&cat=reports&id=1322&page=1>> accessed 29 Jan 2024.

<sup>2</sup> ‘corruption, n’ (OLD Online 2024) available at: <[https://www.oxfordlearnersdictionaries.com/definition/american\\_english/corruption#:~:text=%2Fk%C9%99%CB%88r%CA%8Cp%CA%83n%2F,Topic%20Collocations](https://www.oxfordlearnersdictionaries.com/definition/american_english/corruption#:~:text=%2Fk%C9%99%CB%88r%CA%8Cp%CA%83n%2F,Topic%20Collocations)> accessed 29 Jan 2024.

<sup>3</sup> K Tyschenko, ‘Zelenskyy Wants to Equate Wartime Time Corruption to Treason’ (27 August 2023) *Ukrainska Pravda*, available at: <<https://www.pravda.com.ua/news/2023/08/27/7417309/>> accessed 29 Jan 2024.

is crucial in order to join the EU. It is inextricably linked with the political element of the Copenhagen criteria that the European Commission uses to assess a country's eligibility to join the Union: democracy, the rule of law, and respect for human rights and minorities all can only be ensured with minimal levels of abuse of power in pursuit of private benefits.<sup>1</sup>

This article provides a comparison of legislative rules establishing anti-corruption frameworks in both states in order to answer the following research question: *to what extent primary legislative rules regulating illegal behaviour of people in authority driven by a personal interest in Moldova and Ukraine are currently harmonized?* The main research aim is, hence, to highlight similarities and the most striking differences in how these countries legally approach this issue. To this end, Section 2 will explain this author's methodological decisions. Afterwards, a comparison of legislative anti-corruption rules in both countries will be provided. It will be argued that a minor conceptual difference in how both jurisdictions define corruption resulted in different anti-corruption frameworks. This hypothesis will then be tested by comparing how competent national courts interpreted definitions of corruption employed in their jurisdiction. Finally, a conclusion will provide several claims about this paper's research question based on the author's findings.

## 2. Methodology

This paper adopts the functional comparative method. The author identified the widespread use of official positions in the pursuit of private interests by their holders as a significant societal issue. Following Siems' logic, this phenomenon is "a real-life, socio-economic problem [that] should be the starting point [of the analysis]".<sup>2</sup> In the context of both states' plans of European integration, the academic literature supports this choice given that it has been argued that corruption is one of the biggest impediments on a state's way to becoming an EU member.<sup>3</sup>

The choice of units of analysis is justified by a combination of academic and empirical reasons. Regarding the former, there have been many corruption-examining studies focusing on both countries following the creation of the EU's Eastern Partnership initiative, which aims at spreading European values to six neighbouring countries, including Moldova and Ukraine.<sup>4</sup> However, the issue of harmonization of these legal systems' approaches in the context of their aspiration for European integration remains under-researched. Empirically, this choice is explained by the fact that both countries were recommended to start negotiations for joining the EU. Since the European Commission issued this recommendation, it can be concluded that it sees these countries at a similar stage of their European integration process. Moreover, the reasonableness of this choice is strengthened by comparably widespread instances of illegal use of authority in both countries, as demonstrated by several international metrics and the European Commission's recent reports.<sup>5</sup>

<sup>1</sup> D Kochenov, 'Behind the Copenhagen Façade: The Meaning and Structure of the Copenhagen Political Criterion of Democracy and the Rule of Law' (2004) 8(10) *European Integration Online Papers* 1, 13.

<sup>2</sup> M Siems, *Comparative Law* (Cambridge University Press 2018) 16.

<sup>3</sup> MA Vachudova, 'Corruption and Compliance in the EU's Post-Communist Members and Candidates' (2009) 47 *Journal of Common Market Studies* 43, 44; TA Borzel et al, 'The European Union and the Fights against Corruption in Its Near Abroad: Can It Make a Difference?' (2010) 11(2) *Global Crime* 122, 126.

<sup>4</sup> See, for instance, M Emerson et al, 'Anti-Corruption Policies in Georgia, Moldova, and Ukraine' (2017) *3DCFTAs: Understanding Association Agreements between the EU and Ukraine, Moldova and Georgia* 1; W Kononczuk et al, 'Oligarchs in Ukraine, Moldova, and Georgia as Key Obstacles to Reforms' (2017) *3DCFTAs: Understanding Association Agreements between the EU and Ukraine, Moldova and Georgia* 1; A Pisarenko, and O Vlasiuk, 'Accountability, Transparency and Corruption in the V4 Countries, Ukraine and Moldova' (2017) *Frontiers of Democracy: Embedding Democratic Values in Central and Eastern Europe* 107.

<sup>5</sup> Transparency International, 'Corruption Perceptions Index 2022' Moldova and Ukraine (2022), available at: <<https://www.transparency.org/en/cpi/2022>> accessed 29 Jan 2024; European Commission, 'Key Findings of the 2023 Report on the Republic of Moldova' (8 November 2023), available at: <[https://ec.europa.eu/commission/presscorner/detail/en/qanda\\_23\\_5629](https://ec.europa.eu/commission/presscorner/detail/en/qanda_23_5629)> accessed 29 Jan 2024; European Commission, 'Key Findings of the 2023 Report on Ukraine' (8 November 2023), available at:

The research aim of this paper is to highlight differences in how these states regulate the abuse of power in the pursuit of private benefit by making such abuse unlawful. Two reasons justify the pursuit of this research objective. First, given that the EU has explicitly named harmonization of laws and policies among its members as one of the Union's crucial objectives,<sup>1</sup> this comparative research's scientific relevance lies in identifying to what extent these countries' approaches are currently harmonized in the context of the EU's anti-corruption standards. Second, in such a short paper, it will be practically impossible to identify a normative framework for comparing these legal systems as to which one addresses the illegal use of authority "better". Thus, the scientific relevance of employing the functional comparative legal approach to answer this essay's research question outweighs the functional method's limitations of bias and limited generalizability.<sup>2</sup>

Finally, to compare legal definitions of corruption within the framework of functionalism, this essay will employ Ghanavati and Breaux's logic of "re-topicalization".<sup>3</sup> This approach consists of disentangling each definition into separate components and juxtaposing them to identify similarities and dissimilarities. This methodological choice implies that other important socio-political factors in addressing the issue of corruption, such as the role played by civil society organisations, are excluded from the scope of this article. With this in mind, let us now turn to comparing anti-corruption legislation in place in Moldova and Ukraine.

### 3. Comparing the Two Laws

The objective of the following passages is to introduce primary legal rules that set up frameworks of prohibition of illegal use of authority in both countries under analysis. It will be established that in Moldovan and Ukrainian legislations, the analysed phenomenon is labelled as corruption and is addressed through anti-corruption laws. These laws' definitions will be used in the following paragraphs to compare these legal systems.

The focal point of Moldovan anti-corruption legislation is Parliamentary Law No. 82/2017.<sup>4</sup> It addresses corruption in negative terms: rather than being an anti-corruption law of a narrow application, this piece of legislation sets up the entire framework of incorruptibility to be applicable in its jurisdiction.<sup>5</sup> Academics have argued that the core function of this law is to provide integrity and legal certainty in dealing with corruption.<sup>6</sup> There, corruption is defined as an

"Unlawful use of one's functions in pursuit of private interests. Such a use may occur either in public or private entities, either directly by the holder of the function or through intermediaries, where the private interest in question may be either the function holder's own or favour other individuals".<sup>7</sup>

In the modern Ukrainian legal system, the most crucial piece of legislation is Parliamentary Law №1700-VII "On Prevention of Corruption".<sup>8</sup> As the title suggests, it should be seen as an anti-corruption law which aims at preventing corruption from occurring only in the public

[https://ec.europa.eu/commission/presscorner/api/files/document/print/sk/qanda\\_23\\_5631/QANDA\\_23\\_5631\\_EN.pdf](https://ec.europa.eu/commission/presscorner/api/files/document/print/sk/qanda_23_5631/QANDA_23_5631_EN.pdf) accessed 29 Jan 2024.

<sup>1</sup> T Givens and A Luedtke, 'The Politics of European Union Immigration Policy: Institutions, Salience, and Harmonization' (2004) 32(1) *Policy Studies Journal* 145, 146; YN Gierczyk, 'The Evolution of the European Legal System: The European Court of Justice's Role in the Harmonization of Laws' (2005) 12(153) *ILSA Journal of International and Comparative Law* 153, 181.

<sup>2</sup> R Michaels, 'The Functional Method of Comparative Law' in M Reimann and R Zimmermann (eds.) *The Oxford Handbook of Comparative Law* (Oxford University Press 2006) 364, 378.

<sup>3</sup> S Ghanavati and TD Breaux, 'Comparing and Analysing Definitions in Multi-Jurisdictions' (2015) *IEEE RELAW* 47, 47; G McKeever and T Walsh, 'The Moral Hazard of Conditionality: Restoring the Integrity of Social Security Law' (2020) 55(1) *Australian Journal of Social Issues* 73, 74.

<sup>4</sup> Law No. 82/2017 "On Integrity" 25 May 2017 [hereinafter: Law No. 82/2017].

<sup>5</sup> T Mostovei, 'Perspectives for Implementation of Anti-Bribery Management Systems in the Republic of Moldova' (2018) 23(1) *EuroTimes* 393, 395.

<sup>6</sup> C Țărnă, 'Ghidul Integrității Administrației Publice Locale' (December 2020) *Friedrich Ebert Stiftung* 1, 5.

<sup>7</sup> Law No. 82/2017, Article 3.

<sup>8</sup> Law of Ukraine No. 1700-VII "On Prevention of Corruption" 14 October 2014 [hereinafter: Law No. 1700-VII].

sector and, to this end, does not establish an entire framework of incorruptibility. It adopted the following definition of corruption:

“Corruption” shall mean the use [by a holder of a public function] of granted official powers or powers associated with opportunities to obtain unlawful benefit or receipt of such benefit or receipt of a promise/offer of such benefit for himself/herself or others, or respectively the promise/offer or granting of an unlawful benefit to the person [holding a public office] or upon his/her request to other individuals or legal entities with a view to persuade the person to unlawfully use his/her official authorities or associated opportunities granted to him/her.”<sup>1</sup>

Thus, the illegal use of power is conceptualized as corruption at the legislative level in Moldova and Ukraine. It means that these pieces of legislation represent functional equivalents as they address the same societal issue at the level of primary legislation. The following subsections will compare the two frameworks by applying the functional method based on the following set of criteria for comparison: (1) their definitions of corruption; and (2) the interpretation of these definitions by competent national courts. The decision to examine case law rests on the fact that, even if this analysis establishes that the definitions employed by jurisdictions are functionally identical, domestic courts could have applied them differently.<sup>2</sup>

Academics have suggested that, when comparing legal definitions across different jurisdictions, the key challenge is “how to orient the constraints in a definition from different viewpoints in order to compare definitions from a shared viewpoint”.<sup>3</sup> In this paper’s context, Subsection 3.1 will present definitions that both systems use to describe illegal behaviour of people in authority as “different viewpoints” in the above phrase’s sense. Afterwards, Subsection 3.2 will turn to the practice of interpretation of these definitions in both countries’ competent courts in order to examine whether a “shared viewpoint” can be inferred from it.

### 3.1 Definitions of Corruption:

While the main anti-corruption law in Moldova is phrased in negative terms and is aimed at establishing an overall regime of incorruptibility, its Ukrainian analogue approaches corruption in a more limited way by addressing instances of abuse of power by public officials. These different approaches resulted in a few distinctions, the most prominent of which is the definition of corruption employed.

Disintegrating each definition step-by-step, it becomes apparent that the very foundations of both approaches are similar. Both laws focus on using official powers, granted to a person, in pursuit of private interests. However, the Moldovan definition is more precise in specifying that the act of usage itself should be unlawful,<sup>4</sup> while in Ukraine corruption entails a regular use of granted official powers in pursuit of some sort of unlawful benefit.<sup>5</sup> This minor but crucial difference conceptualizes each jurisdiction’s approach to identifying corruption.

Thus, whereas in Moldova an act of an official, to qualify as corruption, should be unlawful by definition (for example, representing a violation of one of the Penal Code’s provisions), in Ukraine an otherwise perfectly compliant with law act of a person holding an office can still constitute corruption if it is performed in order to obtain unlawful benefit. The approach undertaken by the Ukrainian lawmakers is, hence, stricter in making unlawful each act of office holders when it is driven by unlawful personal motivation. This severity can be explained by the circumstances of the current Ukrainian anti-corruption legislation’s adoption. It occurred in the aftermath of the Revolution of Dignity, when the public called for a firmer approach to regulating corruption given that the rejection of this phenomenon reached its

<sup>1</sup> Law No. 1700-VII, Article 1.

<sup>2</sup> K Linos, ‘How to Select and Develop International Case Law Studies: Lessons from Comparative Law and Comparative Politics’ (2017) 109(3) *American Journal of International Law* 475, 476.

<sup>3</sup> Ghanavati and Breaux (no 10) 74.

<sup>4</sup> Law No. 82/2017, Article 3.

<sup>5</sup> Law No. 1700-VII, Article 1.



apogee at that time, especially in the context of discovering several grave instances of the illegal use of public positions by the previous office holders.<sup>1</sup>

It is with this definitional difference of which acts could amount to corruption in mind that further conditions under which corruption occurs in both laws should be analysed. In Moldova, lawmakers decided to cover both public and private sectors when defining corruption, meaning that an act of corruption does not necessarily require the involvement of a public official.<sup>2</sup> This inclusive approach perfectly resonates with the country's encompassing framework of incorruptibility since a broader perspective on where corruption might occur allows for its more comprehensive regulation. On the contrary, in Ukraine, the main anti-corruption legislation is silent about to what extent acts in private entities may be considered corruption. While the law is explicit about the acts of a long list of public servants (or persons providing public services) mentioned in Section I, Article 3,<sup>3</sup> it does not touch upon perspectives of corruption in the private sector. This definitional omission led several authors to argue that it makes it difficult to measure whether certain acts performed in the private sector, which would fall under the definition of corruption if were performed by public officials, can constitute corruption.<sup>4</sup>

Another difference between these two approaches is that the one employed in Moldova is pre-empting instrumentalization of third parties to perform corruption as a means of avoiding responsibility. To this end, the definition of corruption adopted by Law 82/2017 includes acts of corruption that might be performed through intermediaries.<sup>5</sup> This wording expands the range of those who could be involved in corruption-related activities, hence broadening the scope of the jurisdiction's incorruptibility framework. On the other hand, the Ukrainian legislation does not include such a provision, limiting its applicability only to those acts of corruption which are performed by the addressees of the law themselves. In this regard, theoretically, the definition used in Moldova allows for more effective tackling of sophisticated corruption schemes.

Both definitions then seemingly arrive at a common ground when they highlight that a private interest serving as motivation for committing an act of corruption can benefit either the addressees of the law themselves or other persons. Nevertheless, the Ukrainian definition of corruption departs from its Moldovan counterpart afterwards when it in detail prescribes several specific acts that amount to corruption when committed not by the addressees of the law but by people interacting with them. In this regard, the law "On Prevention of Corruption" specifies that promising, offering, or granting unlawful benefit to a person listed in Section I, Article 3 of the law, when intended to persuade them to engage in corruption, itself qualifies as corruption.<sup>6</sup>

Overall, while the very foundational elements of corruption's definition overlap in both jurisdictions, each system conceptualizes corruption more extensively in different domains to develop a comprehensive definition that suits its jurisdiction best. At this point of analysis, it can be seen that both countries' approaches to defining corruption are harmonized only to a limited extent. The above comparison of legal definitions has demonstrated that with every step taken beyond definitional foundations, definitions of corruption depart from each other by emphasizing different circumstances under which certain instances of use of authority amount to corruption. Thus, having adopted Ghanavati and Breaux's method of comparing

<sup>1</sup> A Aslund, 'Oligarchs, Corruption, and European Integration' (2014) 25(1) *J. Democracy* 64, 65; M Kralikova, 'Importing EU Norms: The Case of Anti-Corruption Reform in Ukraine' (2022) 44(2) *Journal of European Integration* 245, 249.

<sup>2</sup> Law No. 82/2017, Article 3.

<sup>3</sup> Law No. 1700-VII, Article 1.

<sup>4</sup> IO Khristich, 'Issues Related to Measuring Corruption in Private Sphere of Ukraine' (2018) 51(1) *Journal of Eastern European Law* 95, 100; S Baranov, 'Problems of Combating Corruption in the Private Sphere of Ukraine' (2020) *Particularitățile Adaptării Legislației Republicii Moldova și Ucrainei la Legislația Uniunii Europene* 55, 57.

<sup>5</sup> Law No. 82/2017, Article 3.

<sup>6</sup> Law No. 1700-VII, Article 1.

definitions by juxtaposing particular elements of two definitions, this section arrives at a preliminary conclusion that two definitions of corruption employed in Moldova and Ukraine represent “different viewpoints” about circumstances in which corruption may occur. With this idea in mind, let us now turn to comparing how the competent courts in both countries interpreted respective definitions. If similarities between these interpretations are found in the following section, “a shared viewpoint” will be reached to finalize the comparison of these systems’ definitions in this essay’s conclusion.

### 3.2 Interpretations of the Meaning of Corruption by both States’ Competent Courts:

Before engaging in the comparative analysis of how the above-analysed definitions were interpreted domestically, several remarks regarding the data used in this subsection should be made. The author has preliminarily searched the websites of multiple national courts in both countries in order to find two instances with the most comprehensive databases containing cases in which it was the most reasonable to expect the interpretation of the corruption’s definitions.

In light of the limited digitalization of judicial institutions’ archives in both countries, two courts were selected for analysis: (1) the Criminal Chamber of the Supreme Court of Justice of Moldova and (2) the High Anti-Corruption Court of Ukraine. The former was chosen because its digital archive contains the most extensive collection of cases where the definition of corruption was interpreted. The rationale behind analysing the latter’s jurisprudence stems from this court’s specific competence to decide upon instances of alleged violations of anti-corruption legislation.<sup>1</sup>

#### 3.2.1. The Criminal Chamber of the Supreme Court of Justice of Moldova:

Academics have argued that the Moldovan Penal Code’s provisions should be used to interpret the country’s anti-corruption legislation because multiple articles of the Penal Code contain detailed descriptions of acts which amount to corruption under the Law No. 82/2017 and, hence, these two pieces of legislation supplement each other.<sup>2</sup> Thus, given its competences to decide upon the cases alleging violations of provisions of the Penal Code,<sup>3</sup> this Chamber has on multiple occasions interpreted the definition of corruption in the context of the country’s overall framework of incorruptibility. Although, as it was argued in the previous section, the definition of corruption employed in Moldova is encompassing, this Court has pointed out to the importance of the notion of *intention* in establishing acts of corruption.

The definition used in Law No. 82/2017 does not mention whether the intention to commit an act of corruption is a requirement to define the latter. Although this law’s definition of corruption includes the condition of motivation by a private interest, it should not be equated with an intention to obtain such an interest. While the semantics of the word “intention” suggests that a person should act knowingly and willingly for their intention to be found,<sup>4</sup> there might also be situations in which a person obtains such an interest without wanting it. The latter situations, hence, cannot amount to corruption under Law No. 82/2017 because no intention to receive private interest can be established.

Nevertheless, the Chamber in multiple cases alleging violations of the Penal Code which pertain to acts of corruption (among others: passive corruption, abuse of power, bribery,

<sup>1</sup> O Reznik et al, ‘Anti-Corruption Transformation Processes in the Conditions of the Judicial Reform in Ukraine: Implementation’ (2023) 14(1) *International Journal for Court Administration* 1, 8.

<sup>2</sup> O Bejan, ‘Cadrul Penal al Corupției după Codul Penal al Republicii Moldova’ (2006) 3(4) *Revistă de Criminologie, Drept Penal și Criminalistică* 15, 18-19; N Putina and M Iatco, ‘Strengthening the Integrity and Development of Anti-Corruption Policies in the Republic of Moldova’ (2020) 1(1) *Political Studies Forum* 47, 52.

<sup>3</sup> Law No. 789 “Regarding the Supreme Court of Justice” 26 Mar 1996, Chapter III, Article 13.

<sup>4</sup> ‘intention, n’ (*Cambridge Dictionary Online* 2024), available at: <<https://dictionary.cambridge.org/dictionary/english/intention>> accessed 30 Jan 2024.

falsification of official documents)<sup>1</sup> has examined whether these actions were performed knowingly and with an intention to obtain personal interest. For instance, in *Corlăteanu*, a case revolving around an incident of abuse of power in the context of a public sector enterprise, the Chamber established that the respondent's "illegal intentions" to commit an act of corruption played an important role in qualifying his abuse of power as an act of corruption.<sup>2</sup> A similar reasoning was expressed by the Court in *Karatun*, where it was concluded that, given that the respondent "intentionally used [his] working situation [...] in the pursuit of personal interests", he was found guilty of abuse of power and falsification of official documents.<sup>3</sup> In *Zelinschi*,<sup>4</sup> *Mihalache*,<sup>5</sup> and *Botezatu*,<sup>6</sup> the Court followed the same logic in arguing that the "intentional use of the public service [...] in an illegal way" was a decisive factor in establishing that those acts amounted to corruption.<sup>7</sup> Thus, these cases are important because they demonstrate that the Chamber has consistently ruled on the necessity of establishing the intention of abusing an office for private gain to identify such abuse as an act of corruption.

### 3.2.2. The High Anti-Corruption Court of Ukraine:

Having found that the Criminal Chamber of the Moldovan Supreme Court of Justice interpreted intention as a requirement to establish an act of corruption, let us now examine whether the High Anti-Corruption Court of Ukraine reached similar conclusions.

There have been only two judgements in which this Court explicitly interpreted the definition of corruption in the Law "On Prevention of Corruption": decisions no. 991/2396/22 and no. 991/366/22.<sup>8</sup> Both cases originated from the Specialized Anti-Corruption Prosecutor's Office's applications to order the recovery of funds obtained by means of corruption (in violation of the Law "On Prevention of Corruption") back to the state budget. Given that these assets had already been transferred to the third parties, the Court had to interpret the definition of corruption under this law to establish whether third parties may be held accountable for corruption.

These cases established a precedent in the Ukrainian jurisprudence because, as it has been argued in subsection 3.1, the definition employed by the above-mentioned law, unlike the Moldovan one, does not prevent instrumentalization of third parties in the performance of acts of corruption. Despite this, the importance of these cases for the current analysis lies in the Court's argumentation. It ruled that "it may be sufficient to establish the *intention* of a person authorized to perform [public] functions" to recognize the existence of an agreement engaging the third party's responsibility for acts of corruption.<sup>9</sup> Thus, perhaps in a more specific context than its Moldovan counterpart, this Court has also recognized the role that intention plays in establishing acts of corruption.

Hence, this comparison of two national courts leads to the conclusion that, despite two jurisdictions having adopted varying definitions of corruption in the primary legislation, the competent national courts have interpreted them in a way that allows for inferring points of harmonization. Both courts whose practice has been discussed in this subsection reasoned that the notion of an intention to commit an act of corruption is a crucial requirement for establishing that an instance of illegal use of a granted function in the pursuit of a private interest amounts to corruption.

<sup>1</sup> Bejan (no 29) 18; 51 cases since the adoption of Law No. 82/2017: <[https://jurisprudenta.csj.md/db\\_col\\_penal.php](https://jurisprudenta.csj.md/db_col_penal.php)> accessed 31 Jan 2024.

<sup>2</sup> *Corlăteanu Alexandru* [2021] Curtea Supremă de Justiție case no. 1ra-150/2021 [2021] 1, Section 2.

<sup>3</sup> *Karatun Vladimir* [2017] Curtea Supremă de Justiție case no. 1ra-1329/2017 [2017] 1, Section 7.

<sup>4</sup> *Zelinschi Victor* [2018] Curtea Supremă de Justiție case no. 1ra-1176/2018 [2018] 1.

<sup>5</sup> *Mihalache Vitalie* [2020] Curtea Supremă de Justiție case no. 1ra-5/2018 [2020] 1.

<sup>6</sup> *Botezatu Anatolie* [2018] Curtea Supremă de Justiție case no. 1ra-1417/2018 [2018] 1.

<sup>7</sup> *Botezatu*, Section 2.

<sup>8</sup> Unified State Register of Court Decisions, available at: <<https://reyestr.court.gov.ua/>> accessed 31 Jan 2024.

<sup>9</sup> Case №991/366/22 [2022] The High Anti-Corruption Court of Ukraine [2022], Section 5.10.8; Case №991/2396/22 [2022] The High Anti-Corruption Court of Ukraine [2022], Section 4.6.5. Emphasis added.

#### 4. Concluding Remarks

This essay's research aim was to analyse to what extent current legislation regulating the illegal behaviour of people in authority driven by private interest is harmonized in Moldova and Ukraine. In this context, sporadic overlaps in how jurisdictions define and interpret corruption were found. In particular, both systems' approaches share the very basic definitional elements of corruption, and competent national courts have interpreted intention as an additional requirement to establish an instance of corruption. However, the author argues that these are not sufficient to indicate a significant level of harmonization of both countries' anti-corruption frameworks in light of their plans for European integration.

As the EU's anti-corruption standards of transparency and accountability require much more than both frameworks can achieve with their laws,<sup>1</sup> Moldova and Ukraine should commit more legislative efforts and resources to ensure that their legal systems, besides punishing instances of corruption, are also capable of preventing it. It was suggested by academics analysing the EU's anti-corruption framework that it is better ensured through achieving transparency in both public and private sectors.<sup>2</sup> While the Moldovan Law no. 82/2017, in theory, attempts to establish an overall framework of incorruptibility encompassing all social domains, its Ukrainian counterpart attempts to prevent the illegal use of public authorities exclusively which does not increase levels of transparency.

Finally, further research may benefit from using this article's findings as a starting point for more comprehensive comparative exercises to assess to what extent Moldova and Ukraine's anti-corruption frameworks are harmonised. It can be achieved in two different ways. Firstly, the traditional functionalist methodology can be expanded to include historical and socio-political aspects into the scope of further analyses. Such an approach will allow to encompass both countries' anti-corruption landscape more broadly, accounting for important historical developments and political actors which were not taken into account by this author due to spatial and temporal constraints of this article. Secondly, this comparative approach may be applied to other EU candidate members, such as Georgia, Albania, or Montenegro. As all these states are struggling to fight corruption on their way to accede to the EU treaties, further research may focus on drawing a generalised pattern of legislative anti-corruption approaches, identify which country is more successful in this quest, and provide recommendations on how others may improve their legislative frameworks.

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<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.09>



Revista Moldovenească de Drept Internațional și Relații Internaționale /  
Moldavian Journal of International Law and International Relations /  
Молдавский журнал международного права и международных отношений

2024, Issue 1, Volume 19, Pages 127-144.

ISSN 1857-1999 EISSN 2345-1963

Submitted: 15.04.2024 | Reviewed: 12.05.2024 | Accepted: 20.06.2024 | Published: 15.07.2024

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.10>

**TRIBUNA TÎNĂRULUI CERCETĂTOR  
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ТРИБУНА МОЛОДЫХ УЧЕНЫХ**

**DETENTION OF REFUGEES AND ASYLUM SEEKERS IN THE LIGHT OF  
INTERNATIONAL LEGAL STANDARDS AND INDIVIDUAL STATE PRACTICE**

**DETENȚIA REFUGIAȚILOR ȘI A SOLICITANȚILOR DE AZIL ÎN LUMINA  
STANDARDELOR JURIDICE INTERNAȚIONALE ȘI A PRACTICII FIECĂRUI  
STAT ÎN PARTE**

**ЗАДЕРЖАНИЕ БЕЖЕНЦЕВ И ЛИЦ, ИЩУЩИХ УБЕЖИЩЕ, В СВЕТЕ  
МЕЖДУНАРОДНЫХ ПРАВОВЫХ СТАНДАРТОВ И ПРАКТИКИ ОТДЕЛЬНЫХ  
ГОСУДАРСТВ**

SHPAKOVSKII Anton / ШПАКОВСКИЙ АНТОН / ȘPAKOVSKI Anton\*

**ABSTRACT:**

**DETENTION OF REFUGEES AND ASYLUM SEEKERS IN THE LIGHT OF  
INTERNATIONAL LEGAL STANDARDS AND INDIVIDUAL STATE PRACTICE**

*The number of refugees and asylum seekers is growing annually all over the world, and in some regions migration processes are becoming particularly large and uncontrollable. As a result, governments in many countries are increasingly resorting to the use of migration policy instruments such as detention and imprisonment of arriving persons.*

*Contrary to international legal norms limiting the use of detention to exceptional cases, this practice is becoming a daily occurrence and is accompanied by massive human rights violations, making it one of the most pressing issues in international refugee law.*

*The present article is devoted to the analysis of the national legislation and practice of implementation of the migration policy of the United States of America in the context of compliance with the norms of international law governing the detention and custody of refugees and asylum seekers.*

**Keywords:** *international law, international refugee law, refugees, human rights, refugee rights, US migration policy, detention*

**JEL Classification:** K33

**Universal Decimal Classification:** 341.2; 341.231.14; 341(4/9)

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.10>

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РЕЗУМАТ:

**DEȚENȚIA REFUGIAȚILOR ȘI A SOLICITANȚILOR DE AZIL ÎN LUMINA  
STANDARDELOR JURIDICE INTERNAȚIONALE ȘI A PRACTICII FIECĂRUI STAT ÎN  
PARTE**

*Numărul refugiaților și al solicitanților de azil crește anual în întreaga lume, iar în unele regiuni procesele de migrație devin deosebit de ample și incontrollabile. Ca urmare, multe guverne recurg din ce în ce mai des la utilizarea instrumentelor politicii de migrație, cum ar fi dețenția și încarcerarea persoanelor care sosesc.*

*Contrar normelor juridice internaționale care limitează utilizarea dețenției la cazuri excepționale, această practică devine cotidiană și este însoțită de încălcări masive ale drepturilor omului, ceea ce face ca aceasta să fie una dintre cele mai presante probleme din dreptul internațional al refugiaților.*

*Prezentul articol este dedicat analizei legislației naționale și practicii de implementare a politicii de migrație a Statelor Unite ale Americii în contextul respectării normelor de drept internațional care reglementează dețenția și custodia refugiaților și a solicitanților de azil.*

**Cuvinte-cheie:** drept internațional, refugiați, drepturile omului, drepturile refugiaților, politica de migrație a SUA, dețenție.

**JEL Classification:** K33

**CZU:** 341.2; 341.231.14; 341(4/9)

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.10>

РЕЗЮМЕ:

**ЗАДЕРЖАНИЕ БЕЖЕНЦЕВ И ЛИЦ, ИЩУЩИХ УБЕЖИЩЕ, В СВЕТЕ  
МЕЖДУНАРОДНЫХ ПРАВОВЫХ СТАНДАРТОВ И ПРАКТИКИ ОТДЕЛЬНЫХ  
ГОСУДАРСТВ**

*Число беженцев и лиц, ищущих убежище, ежегодно возрастает по всему миру, причем в некоторых регионах миграционные процессы приобретают особо крупный масштаб и неуправляемый характер. В связи с этим правительства многих стран все чаще прибегают к применению такого инструмента миграционной политики, как задержание прибывающих лиц и помещение их под стражу.*

*Вопреки международным правовым нормам, ограничивающим возможность прибегать к задержанию беженцев исключительными случаями, данная практика приобретает повседневный характер и сопровождается массовыми нарушениями прав человека, в связи с чем вопрос о необходимости отказа от нее в пользу альтернативных способов управления миграцией является одной из самых злободневных проблем международного права беженцев.*

*Настоящая статья посвящена анализу национального законодательства и практики реализации миграционной политики Соединенных Штатов Америки в контексте ее соответствия нормам международного права, регулирующим задержание и содержание под стражей беженцев и лиц, ищущих убежище.*

**Ключевые слова:** международное право, международное право беженцев, беженцы, права человека, права беженцев, миграционная политика США, задержание

**JEL Classification:** K33

**УДК:** 341.2; 341.231.14; 341(4/9)

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.10>

**Введение**

С каждым годом в мире растет количество беженцев и лиц, ищущих убежище. Ежегодный отчет Управления Верховного комиссара Организации Объединенных Наций по делам беженцев (УВКБ ООН) о глобальных тенденциях за 2021 год показывает, что более 89,3 миллиона человек во всем мире были насильственно



перемещены в результате преследований, насильственных конфликтов, нарушений прав человека или событий, серьезно нарушающих общественный порядок, и это количество продолжает расти уже более 10 лет подряд<sup>1</sup>.

В некоторых местах поток беженцев приобретает катастрофический масштаб, превращаясь в опасный неуправляемый процесс. Как следствие, для защиты своих национальных интересов многие страны прибегают к различным способам, одним из которых является задержание прибывающих лиц и помещение их под стражу. В связи с массовостью данного явления системы содержания под стражей зачастую перегружены, условия содержания не соответствуют международным стандартам, а основные права, включая право на доступ к убежищу, ограничены. Возникает острая необходимость в более активной юридической поддержке, включая мониторинг условий содержания и содействию доступу к убежищу для тех, кто ищет международной защиты.

Международные организации и частные лица могут оказывать существенное влияние в местах содержания под стражей. Сюда входит предоставление официальных или неофициальных услуг, таких как социальная поддержка, социальная помощь, медицинское обслуживание и юридические консультации. Возможно проведения мониторинга мест содержания под стражей и выслушивание на местном, национальном, региональном и международном уровнях по целому ряду вопросов, в том числе касающихся обращения с задержанными, их материальных условий и процессуальных гарантий, составляющих основу задержаний. Вопросы, с которыми сталкиваются группы лиц и отдельные лица, работающие в местах содержания под стражей, разнообразны и многочисленны, включая ограничения на доступ к юридической помощи УВКБ ООН и даже Международного комитета Красного Креста (МККК), риск репрессий и этические соображения, связанные с вопросами конфиденциальности и неприкосновенности частной жизни.

Особый интерес вызывает вопрос соблюдения международных правовых стандартов задержания беженцев и лиц, ищущих убежище, странами, позиционирующими себя лидерами в рейтинге соблюдения прав человека. Одна из таких стран – Соединенные Штаты Америки – в целом имеет высокие и справедливые оценки по правам человека. Например, индекс «Свободы в мире» относит Соединенные Штаты к высшей категории по уровню свободы человека в области гражданских и политических прав с 83 баллами из 100 по состоянию на 2021 год<sup>2</sup>. По индексу «Свободы прессы», публикуемому организацией «Репортеры без границ», по состоянию на 2022 год США занимают 42-е место из 180 стран с оценкой 72,74 балла из 100<sup>3</sup>. Индекс демократии, опубликованный Economist Intelligence Unit, оценил Соединенные Штаты в 7,85 баллов из 10, что делает их 26-й самой демократической страной в мире по состоянию на 2021 год<sup>4</sup>. Наряду с этим, международные правозащитные организации относят Соединенные Штаты Америки к числу стран, в которых нарушения прав беженцев и других мигрантов носят значительный размах и тревожный характер. Данная статья посвящена международно-правовому анализу национального законодательства и практики реализации миграционной политики Соединенных Штатов Америки, на предмет соответствия нормам международного права, регулирующим задержание беженцев и лиц, ищущих убежище.

<sup>1</sup> UNHCR Global Trends Report 2021. In: UNHCR – The UN Refugee Agency. [Online]: <https://data.unhcr.org/en/documents/details/93791> (Accessed: 01.04.2024).

<sup>2</sup> Freedom in the World report – Countries and Territories. In: Freedom House. [Online]: <https://freedomhouse.org/countries/freedom-world/scores?sort=desc&order=Civil%20Liberties> (Accessed: 01.04.2024).

<sup>3</sup> RSF's 2022 World Press Freedom Index: a new era of polarization. In: Reporters Without Borders. [Online]: [https://rsf.org/en/rsf-s-2022-world-press-freedom-index-new-era-polarisation?year=2022&data\\_type=general](https://rsf.org/en/rsf-s-2022-world-press-freedom-index-new-era-polarisation?year=2022&data_type=general) (Accessed: 01.04.2024).

<sup>4</sup> Democracy Index 2022 – EUI Report. In: The Economist Intelligence. [Online]: <https://www.eiu.com/n/campaigns/democracy-index-2022/> (Accessed: 01.04.2024).

## Обзор

Правительства во всем мире все чаще используют различные формы задержания в качестве инструмента управления миграцией. Поскольку визы часто недоступны для беженцев и лиц, ищущих убежища, стремящихся въехать в страну в поисках защиты, многие из них вынуждены пытаться сделать это без надлежащих документов. В результате они попадают под тот же миграционный контроль, который используется правительствами для предотвращения въезда нелегальных мигрантов. Тысячи и тысячи беженцев и лиц, ищущих убежища, содержатся под стражей в центрах высылки; частных и государственных иммиграционных центрах содержания под стражей; тюрьмах; полицейских участках; аэропортах; гостиницах; судах; морских контейнерах; и закрытых лагерях беженцев<sup>1</sup>. По прибытии в страну они содержатся под стражей в ожидании окончательного решения по своим ходатайствам о въезде в качестве беженцев.

Принятия решений о предоставлении убежища или иммиграции могут затягиваться на месяцы или даже годы, в течение которых мужчины, женщины и дети находятся в зачастую переполненных местах размещения, где даже санитарно-гигиенические условия минимальны. Множество других различных нарушений прав человека могут иметь (и имеют) место в этих обстоятельствах.

Во многих случаях независимый надзор за основанием для задержания и/или условиями содержания практически отсутствует, многим задержанным отказывают в доступе к слушаниям об освобождении под залог и к судебному пересмотру. Беженцам и лицам, ищущим убежища, нуждающимся в международной защите, покинувшим свои страны происхождения из-за преследований, других серьезных нарушений прав человека или вооруженных конфликтов, отказывают в доступе к процедурам предоставления убежища и защиты, гарантированным международным правом<sup>2</sup>. Лицам без гражданства и другим лицам без документов, которые не могут быть выдворены из страны, может грозить задержание на неопределенный срок. Мужчины и женщины содержатся в общих помещениях, а дети – со взрослыми, не связанными родственными узами. Между тем, негативное воздействие даже кратковременного содержания под стражей на психическое здоровье людей в настоящее время хорошо задокументировано, особенно для детей<sup>3</sup>.

Задержание, связанное с миграцией, не только создает значительные трудности для тех, кто находится под стражей, оно также разделяет семьи, разрушает сообщества и отвлекает как правительственных, так и неправительственных субъектов и ресурсы от более гуманных, разумных и экономически эффективных альтернатив задержанию.

## **Понятие задержания и общая характеристика его надлежащего применения согласно международному праву**

В своих пересмотренных Руководящих принципах по применимым критериям и стандартам, касающимся содержания под стражей лиц, ищущих убежища 2012 г. УВКБ ООН определяет содержание под стражей следующим образом: «задержание и содержание под стражей означает лишение свободы или заключение в закрытом помещении, которое лицу, ищущему убежища, не разрешается покидать по собственному желанию, в том числе, но не ограничиваясь, тюрьмы или специальные

<sup>1</sup> Who is detained and where? In: International Detention Coalition [Online]: <https://idcoalition.org/about/what-is-detention/#1496021238162-cc6e483c-87e9> (Accessed: 01.04.2024).

<sup>2</sup> Wirtz M., Van Reisen M. Hell on Earth: Conditions of Eritrean Refugees in Official Detention Centres in Libya. In: Trapped and Trafficked in Digital Black Holes: Human Trafficking Trajectories to Libya. Langaa RPCIG, 2023. P. 570-626.

<sup>3</sup> Mares S., Jureidini J. Psychiatric assessment of children and families in immigration detention—clinical, administrative and ethical issues. In: Australian and New Zealand journal of public health. 2004, Vol. 28, №. 6, p. 520-526.

места заключения, пункты временного размещения или пересыльные центры и объекты»<sup>1</sup>.

УВКБ ООН ссылается на содержание под стражей в контексте лагерей беженцев как включающее «арест и задержание в пунктах въезда в страну, до того, как беженцы получат доступ в лагерь; арест и задержание при выезде из закрытых лагерей без разрешения; зачастую условия содержания, аналогичные условиям содержания в закрытых лагерях (фактическое содержание под стражей); и содержание в лагерях для уголовных преступников (лагерные тюрьмы)»<sup>2</sup>. Таким образом, заключение в лагерях беженцев, где свобода передвижения ограничена, может быть равносильно одной из форм содержания под стражей.

За редким исключением, страны по всему миру помещают мигрантов, беженцев и лиц, ищущих убежища, в том числе лиц без гражданства, под стражу в попытке контролировать доступ на свою территорию лиц, которым, по их мнению, не разрешается въезжать и/или оставаться на их территории<sup>3</sup>.

Международное право, однако, налагает определенные ограничения на задержание, связанное с иммиграцией, особенно в том, что касается беженцев и лиц, ищущих убежища. Например, ч. 2 ст. 31 Конвенции 1951 года о статусе беженцев (Конвенция 1951 г.) предусматривает, что «Договаривающиеся государства не будут стеснять свободу передвижения таких беженцев ограничениями, не вызываемыми необходимостью; такие ограничения будут применяться только, пока статус этих беженцев в данной стране не урегулирован или пока они не получают права на въезд в другую страну. Договаривающиеся государства будут предоставлять таким беженцам достаточный срок и все необходимые условия для получения ими права на въезд в другую страну»<sup>4</sup>.

Как правило, следующие категории лиц не должны подвергаться задержанию в связи с нарушениями правил въезда:

- беженцы;
- дети;
- беременные женщины и кормящие матери;
- лица, пережившие пытки или травмы;
- жертвы торговли людьми;
- пожилые люди или инвалиды;
- лица, нуждающиеся в срочной физической или психической медицинской помощи, в том числе лица, подвергшиеся насилию в пути<sup>5</sup>.

В соответствии с международным, региональным и национальным правом правительства должны гарантировать свободу от произвольного ареста и/или задержания всем лицам, находящимся в пределах их границ<sup>6</sup>. Ни одно лицо не может быть подвергнуто произвольному аресту, задержанию или ссылке. Для того чтобы

<sup>1</sup> Руководство по применяемым критериям и стандартам в отношении задержания лиц, ищущих убежища, и альтернатив содержанию под стражей. В: Официальный сайт УВКБ ООН. [Online]: <https://www.refworld.org/ru/pdfid/51f8f6930.pdf> (Дата посещения: 01.04.2024).

<sup>2</sup> Альтернативы задержанию (содержанию под стражей) лиц, ищущих убежища, и беженцев. В: Официальный сайт УВКБ ООН. [Online]: <https://www.refworld.org/ru/reference/legalpolicy/unhcr/2006/ru/40682> (Дата посещения: 01.04.2024).

<sup>3</sup> Access to protection in Europe Borders and entry into the territory: Report Minos Mouzourakis, Amanda Taylor and others. In: European Council on Refugees and Exiles (ECRE). [Online]: [https://asylumineurope.org/wp-content/uploads/2020/11/aida\\_accessi\\_territory.pdf](https://asylumineurope.org/wp-content/uploads/2020/11/aida_accessi_territory.pdf) (Accessed: 01.04.2024).

<sup>4</sup> Конвенция о статусе беженцев (Вместе с «Комментарием», «Образцом проездного документа») (Заключена в г. Женеве 28.07.1951). В: Бюллетень международных договоров. 1993, № 9, ст. 6-28.

<sup>5</sup> Руководство по применяемым критериям и стандартам в отношении задержания лиц, ищущих убежища, и альтернатив содержанию под стражей. В: Официальный сайт УВКБ ООН. [Online]: <https://www.refworld.org/ru/pdfid/51f8f6930.pdf> (Дата посещения: 01.04.2024).

<sup>6</sup> Например, ст. 9(1) Международного пакта о гражданских и политических правах (МПГПП) прямо предусматривает, что: «Никто не должен быть лишен свободы иначе, как на таких основаниях и в соответствии с такой процедурой, которые установлены законом».

задержание было законным, должны существовать определенные правовые основания для вынесения решения о задержании<sup>1</sup>. Любое распоряжение должно быть отдано с законной целью; не должно быть никаких меньших средств для достижения цели, оправдывающей задержание (например, присутствие на допросах и слушаниях, соблюдение распоряжения о высылке и т.д.).<sup>2</sup> Задержание должно быть ограниченным по продолжительности и применяться недискриминационным образом<sup>3</sup>.

Для того, чтобы правительства соблюдали свои правовые обязательства, они должны осуществлять следующее<sup>4</sup>:

1) Предоставлять информацию задержанному: сразу после ареста орган, производящий арест, должен предоставить информацию о причинах ареста и задержания, а также информацию о правах задержанного. Это должно быть изложено на понятном ему языке и в доступной ему манере<sup>5</sup>.

2) Предоставить доступ к юридической помощи: в соответствии с положениями Конвенции 1951 г. правительства должны обеспечить, чтобы адвокат был доступен для задержанного вскоре после его ареста, чтобы помочь задержанному понять его права и определить, имеет ли он право на международную защиту.

3) Выявлять жертв пыток или лиц с иными особыми потребностями: правительствам следует создать процесс проверки для быстрого выявления жертв пыток, несопровождаемых или разлученных детей и других уязвимых лиц, включая беременных женщин, лиц с медицинскими потребностями, пожилых людей и жертв торговли людьми. Затем правительствам следует создать соответствующие механизмы для удовлетворения их потребностей, в том числе поместить их в открытые помещения, а не в учреждения, подобные тюрьмам.

4) Обеспечить первоначальный и периодический пересмотр содержания под стражей: правительствам следует установить процесс первоначального и периодического пересмотра дел о задержании в судебном или административном органе, независимом от властей, которые распорядились о первоначальном задержании. Все задержанные должны быть проинформированы об их праве на этот процесс пересмотра<sup>6</sup>.

5) Облегчать доступ к местному отделению УВКБ ООН, национальным органам по делам беженцев или другим учреждениям или адвокатам: в дополнение к предоставлению – на нескольких языках – списка с контактной информацией для местного отделения УВКБ ООН, НПО и других учреждений, правительства должны также разрешить УВКБ ООН и лицам, предоставляющим юридическую помощь, регулярный доступ в центры содержания под стражей, чтобы они предоставляли задержанным информацию об их правах<sup>7</sup>.

В соответствии с действующим международным правом условия содержания должны обладать следующими характеристиками.

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<sup>1</sup> Доклад рабочей группы по произвольным задержаниям на десятой сессии Совета по правам человека, 16 февраля 2009, А/КПЧ/10/21. В: Официальный сайт УВКБ ООН. [Online]: <https://www.refworld.org/ru/reference/annualreport/unga/2009/ru/87833> (Дата посещения: 01.04.2024).

<sup>2</sup> Там же

<sup>3</sup> Shah S. From Westminster to Strasbourg: A and others v United Kingdom. In: Human Rights Law Review. 2009, Vol. 9, № 3, p. 473-488.

<sup>4</sup> Доклад рабочей группы по произвольным задержаниям на десятой сессии Совета по правам человека, 16 февраля 2009, А/КПЧ/10/21. В: Официальный сайт УВКБ ООН. [Online]: <https://www.refworld.org/ru/reference/annualreport/unga/2009/ru/87833> (Дата посещения: 01.04.2024).

<sup>5</sup> Там же

<sup>6</sup> Там же

<sup>7</sup> Заключение № 85 (XLIX) – 1998 год: Заключение по международной защите. В: Официальный сайт УВКБ ООН. [Online]: <https://www.refworld.org/ru/policy/exconc/unhcr/1998/ru/114426> (Дата посещения: 01.04.2024).

Задержанные имеют право на гуманное и уважительное обращение<sup>1</sup>. В соответствии со ст. 5 Всеобщей декларации прав человека<sup>2</sup>, государствам запрещено осуществлять любые акты пыток, бесчеловечного или унижающего достоинство обращения. Условия содержания под стражей часто не соответствуют общим международным стандартам и при определенных обстоятельствах могут рассматриваться как пытки, бесчеловечное или унижающее достоинство обращение.

Пытки могут быть как психическими, так и физическими и могут принимать различные формы, включая удары электрическим током; избиения; подвешивание в болезненных позах; изнасилование; прижигание сигаретами; лишение пищи, сна или общения; шум; запугивание. Отдельные виды практики сами по себе не обязательно могут представлять собой пытку, но могут, если рассматривать их вместе.

В соответствии с положениями ст. 1 Конвенции против пыток 1984 г., бесчеловечным или унижающим достоинство обращением может считаться систематическое игнорирование неоднократных просьб задержанного; произвольное и неравномерное применение правил содержания под стражей; создание атмосферы подозрительности и недоверия среди задержанных; обращение с задержанными, как с детьми; внезапное и беспричинное проникновение в камеру и помещение задержанного<sup>3</sup>.

Для того чтобы государства выполняли свои обязательства по предотвращению пыток, бесчеловечного или унижающего достоинство обращения, правительствам следует обеспечить следующие аспекты:

1) Информация: задержанным должна предоставляться информация о правилах и положениях места содержания под стражей на понятном им языке. Им следует предоставить эту информацию по прибытии и предоставить возможность задавать вопросы в течение всего периода их содержания под стражей

2) Процедура подачи жалоб: правительствам следует установить процедуры подачи жалоб, к которым задержанные могут получить доступ для подачи жалоб на нарушения. Весь персонал центра содержания под стражей должен носить бейджи с указанием их имени и звания (см. п. 35.1. Минимальных стандартных правил обращения с заключенными<sup>4</sup>).

3) Вместимость: задержанные не должны содержаться в переполненных условиях.

Международное право требует, чтобы с задержанными обращались с достоинством и уважением, поэтому условия содержания под стражей должны обеспечивать соблюдение прав человека задержанных, в том числе: право на семейную жизнь и неприкосновенность частной жизни; право на медицинскую помощь; надлежащее размещение и питание; право на культурную жизнь; право на отдых; право на религию; право на образование.

Для выполнения своих обязательств по соблюдению прав человека задержанных правительствам следует предпринять следующие действия.

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<sup>1</sup> Свод принципов защиты всех лиц, подвергаемых задержанию или заключению в какой-бы то ни было форме. Принят резолюцией 43/173 Генеральной Ассамблеи от 9 декабря 1988 года. В: Официальный сайт ООН. [Online]: [https://www.un.org/ru/documents/decl\\_conv/conventions/detent.shtml](https://www.un.org/ru/documents/decl_conv/conventions/detent.shtml) (Дата посещения: 01.04.2024).

<sup>2</sup> Всеобщая декларация прав человека (принята Генеральной Ассамблеей ООН 10.12.1948). В: «Российская газета», № 67, 05.04.1995.

<sup>3</sup> Конвенция против пыток и других жестоких, бесчеловечных или унижающих достоинство видов обращения и наказания (Заключена 10.12.1984) (с изм. от 08.09.1992). В: Сборник международных договоров СССР. Вып. XLIII. М., 1989. С. 115 -125.

<sup>4</sup> Минимальные стандартные правила обращения с заключенными. Приняты на первом Конгрессе Организации Объединенных Наций по предупреждению преступности и обращению с правонарушителями, состоявшемся в Женеве в 1955 году, и одобрены Экономическим и Социальным Советом в его резолюциях 663 С (XXIV) от 31 июля 1957 года и 2076 (LXII) от 13 мая 1977 года. В: Официальный сайт ООН. [Online]: [https://www.un.org/ru/documents/decl\\_conv/conventions/prison.shtml](https://www.un.org/ru/documents/decl_conv/conventions/prison.shtml) (Дата посещения: 01.04.2024).

1) Размещение: размещение должно соответствовать всем требованиям местных и национальных санитарных правил. В холодное время года должно быть отопление, а в жаркое – кондиционеры и вентиляторы. Санитарные сооружения должны позволять каждому задержанному удовлетворять свои личные потребности в чистоте и пристойности. Должны быть надлежащие средства для купания и душа, чтобы задержанный мог мыться или принимать душ при соответствующей температуре. Все части центра должны содержаться в надлежащем состоянии и периодически убираться. Всем задержанным должны быть предоставлены отдельные кровати с чистым и теплым постельным бельем. Мужчины и женщины должны содержаться отдельно, а там, где содержатся семьи, последним должны быть предоставлены отдельные помещения. Лица, задержанные в административном порядке, не должны содержаться вместе с лицами, ожидающими суда, или лицами, осужденными по уголовным делам.

2) Питание: каждому задержанному должна предоставляться пища с питательной ценностью, соответствующей его здоровью и силе. Помещения, в которых готовится пища, должны быть чистыми, а еда должна распределяться в соответствии с санитарными нормами. Учреждения должны предоставлять задержанным разумную и справедливую возможность соблюдать свои религиозные диетические обычаи.

3) Медицинское обслуживание и медицинские услуги: задержанные должны получать надлежащую медицинскую помощь и, при необходимости, психологическую консультацию. Находящиеся в плохом состоянии задержанные, которые нуждаются в специальном уходе, должны быть переведены в соответствующие медицинские учреждения. Задержанным следует как можно скорее предложить пройти надлежащее медицинское обследование, чтобы выявить возможных жертв пыток и задержанных с другими особыми потребностями, чтобы обеспечить надлежащий уход. Задержанные должны иметь возможность выбирать между врачом-мужчиной или женщиной. Любые медицинские услуги должны также включать услуги по охране репродуктивного здоровья. Многие задержанные страдают от психологических и физических последствий в результате их содержания под стражей, поэтому следует позаботиться о том, чтобы выявить возникновение депрессии или других психических расстройств и психологических проблем, вызванных содержанием под стражей, и оказать необходимую помощь, включая действия для освобождения данного лица.

4) Образование: все дети, независимо от статуса, имеют право на доступ к образованию. Там, где дети содержатся под стражей, им должно быть предоставлено образование, аналогичное тому, которое предоставляется гражданам. Квалифицированные учителя должны проводить занятия на месте или детей следует переводить на занятия в местные школы.

5) Образование для взрослых и другие программы: взрослые задержанные должны иметь возможность продолжить свое образование или иметь доступ к профессиональной подготовке. В центрах содержания под стражей должны быть разработаны и внедрены культурные и образовательные программы.

б) Отдых: задержанные должны иметь доступ к развлекательным и спортивным мероприятиям во время содержания под стражей. Власти должны содержать открытые площадки для физических упражнений и предоставлять соответствующее оборудование.

7) Религиозные службы: задержанные должны иметь возможность исповедовать свою религию. Отдельные помещения в центрах содержания под стражей должны быть предоставлены для отправления религиозных обрядов. Пасторам, священникам, имамам и другим религиозным служащим должен быть разрешен регулярный доступ в центры содержания под стражей для удовлетворения духовных потребностей заключенных.

8) Контакты с внешним миром: задержанным должно быть разрешено контактировать с семьей, друзьями и адвокатом. Кроме того, им должны быть разрешены свидания. Для облегчения контактов задержанным следует предоставить телефонные карточки. В каждом центре должно быть место для посещений с достойными условиями.

9) Уязвимые группы: учитывая возникающую необходимость и возможные негативные последствия содержания под стражей для психологического благополучия конкретных задержанных, следует предпринять усилия по поиску альтернатив содержанию под стражей для следующих групп: пожилых людей; лиц, переживших пытки или травмы; лиц с умственными или физическими недостатками; беременных женщин и матерей младенцев и маленьких детей; несопровождаемых или разлученных детей; жертв торговли людьми. В случае задержания врач должен подтвердить, что содержание под стражей не причинит им вреда, а квалифицированный персонал должен обеспечивать регулярный последующий уход и обслуживание.

10) Обучение: весь персонал, работающий с задержанными, должен пройти надлежащую подготовку по вопросам предоставления убежища, причинам перемещения беженцев и ситуации в странах происхождения задержанных. Кроме того, следует проводить обучение методам распознавания и реагирования на симптомы стресса, которые могут проявляться у задержанных лиц, ищущих убежища, и беженцев. Персонал должен быть обучен стандартам в области прав человека, применимым к содержанию под стражей. Центры содержания под стражей должны работать в сотрудничестве с НПО для создания и реализации учебных программ с возможностью участия обоих во время определенных тренингов.

Отдельным и имеющим особую важность вопросом задержания является реализация права на убежище и его соблюдение в контексте содержания под стражей. Доступ к справедливым и эффективным процедурам предоставления убежища затруднен, когда беженцы и лица, ищущие убежища, находятся под стражей. Они зависят от адвокатов, законных представителей или лиц, работающих в центрах содержания под стражей, которые приходят к ним и облегчают доступ к процедурам предоставления убежища. Лица, ищущие убежища, и беженцы не могут легко получить доступ к свидетелям или документам и представить их в подтверждение своих требований.

Чтобы правительства могли гарантировать, что задержанные действительно могут воспользоваться своим правом на убежище, они должны решить следующие вопросы:

1. Информация: вскоре после задержания всем задержанным должна быть предоставлена информация об их праве просить убежища. Такая информация должна быть представлена на понятном им языке и понятным способом. Не все лица, ищущие убежища, грамотны. Поэтому информация должна предоставляться в письменном и устном формате, например, в виде видеозаписей, презентаций.

2. Доступ к адвокату: правительства должны содействовать беспрепятственному доступу адвокатов и законных представителей в центры содержания под стражей. Правительствам следует помнить, что предоставление доступа к юридическому представительству не ограничивается простым присутствием адвоката во время слушания по существу или собеседования по существу. Вместо этого защитники должны быть активными до, во время и в конце процесса. Это означает, что адвокат должен потратить время на собеседование с клиентом, сбор информации о стране происхождения, разработку юридических аргументов и, наконец, подготовку ходатайства о предоставлении убежища для представления правительству. Если адвокат не говорит на языке лица, ищущего убежища, он или она должны иметь доступ к переводчику во время подготовки.

3. Индивидуальное слушание: правительства должны проводить индивидуальные слушания в обстановке, которая уважает конфиденциальность заявителя и серьезность процедур. Слушания не должны проходить на открытых площадках в центре

содержания под стражей. Желательно предоставить отдельный офис, соответствующий важности процесса определения статуса беженца.

4. Доступ к эффективному и профессиональному переводу: письменные и устные переводчики должны быть профессионально обучены и доступны для заявителей, содержащихся под стражей, на протяжении всей процедуры. В случаях, связанных с заявлениями о сексуальном или гендерном насилии, должны предоставляться переводчики-женщины.

5. Конфиденциальность: правительства должны гарантировать конфиденциальность процедуры. Это означает, что государственные должностные лица, сотрудники службы безопасности, устные и письменные переводчики, адвокаты, сотрудники НПО, социальные работники и медицинский персонал, которые оказывают услуги лицам, ищущим убежища, и беженцам, находящимся под стражей, обязаны обеспечивать конфиденциальность информации, полученной от заявителя или от заявителя, включая тот факт, что заявитель подал заявление на убежище. В целях обеспечения конфиденциальности адвокатам следует предоставить специальные помещения для свиданий со своими клиентами.

6. Доступ к судебному надзору: правительства должны обеспечить доступ к эффективному судебному надзору, гарантируя, что заявители по-прежнему будут иметь юридическое представительство на протяжении всего процесса рассмотрения и, что они будут проинформированы о процедурах рассмотрения и окончательного решения.

7. Процедуры для особых нужд: правительствам следует разработать руководящие принципы и внедрить процедуры для рассмотрения дел, связанных с особыми потребностями. Например, следует разработать национальные руководящие принципы, используя материалы УВКБ ООН и других правозащитных организаций в качестве руководства, по вопросам, касающимся заявлений, основанных на сексуальном и гендерном насилии, заявлений о предоставлении убежища, поданных детьми, и процедур для пожилых лиц, ищущих убежища. Персонал, занимающийся делами с особыми потребностями, как правительственный, так и неправительственный, должен быть обучен деликатному предоставлению необходимых услуг.

В дополнение к оспариванию содержания под стражей с помощью национальных кампаний по защите прав или судебных разбирательств, может быть рассмотрена возможность подачи жалоб или отчетов в международные органы, такие как Совет ООН по правам человека, Управление Верховного комиссара по правам человека (УВКПЧ), договорные органы, которые следят за основными международными договорами по правам человека. Совет по правам человека отвечает за процесс универсального периодического обзора (УПО), который включает в себя обзор ситуации с правами человека во всех 193 государствах-членах ООН раз в четыре с половиной года. УПО предоставляет НПО и другим лицам возможность предоставлять информацию по вопросам содержания под стражей, связанным с иммиграцией.

Несколько договорных органов ООН предоставляют дополнительные возможности для представления информации о нарушениях прав человека, совершенных правительствами в отношении задержанных. Этими органами являются: Комитет по правам человека; Комитет по экономическим, социальным и культурным правам; Комитет по ликвидации расовой дискриминации; Комитет по ликвидации всех форм дискриминации в отношении женщин; Комитет против пыток; Подкомитет по Предотвращению пыток; Комитет по правам ребенка; Комитет по трудящимся-мигрантам; Комитет по правам инвалидов. Договоры, за которыми следят эти органы, содержат много положений, применимых к беженцам, лицам, ищущим убежища, и мигрантам, находящимся под стражей, таких, например, как ст. 14. 1. Всеобщей декларации прав человека, декларирующая право каждого человека искать убежище от преследования в других странах и пользоваться этим убежищем; положения о недопустимости дискриминации, содержащиеся в Конвенции 1951 г.; декларация права



на свободу и личную неприкосновенность, закрепленная Международным пактом о гражданских и политических правах, и многих других.

### **Практика задержания беженцев и лиц, ищущих убежище, в США**

Сегодня в Соединенных Штатах Америки действует крупнейшая в мире система содержания иммигрантов под стражей, которую администрация Байдена использует, в том числе и для задержания беженцев и лиц, ищущих убежища<sup>1</sup>. На фоне сокращения финансирования общих расходов на содержание под стражей и существенного снижения фактов задержания семей, приоритетами Министерства внутренней безопасности США (Department of Homeland Security (DHS)) стали именно одиночные просители убежища. Министерство внутренних дел (United States Department of the Interior (DOI)) модернизировало карательную систему содержания иммигрантов под стражей, преобразовав бывшие семейные центры в тюрьмы для взрослых и существенно расширив другие существующие учреждения<sup>2</sup>.

В свою бытность кандидатом в президенты Дж.Байден пообещал прекратить длительное содержание под стражей, запретить использование коммерческих иммиграционных центров и отстаивать законное право беженцев искать убежища<sup>3</sup>. Тем не менее, на сегодняшний день DHS задержало десятки тысяч лиц, ищущих убежища, многие из которых находятся в заключении в недавно открытых или реконструированных учреждениях или в отдаленных районах, где они часто сталкиваются с непреодолимыми препятствиями для подачи своих ходатайств о предоставлении убежища<sup>4</sup>. Среди задержанных иммиграционными и таможенными органами (ICE) есть лица, пережившие пытки, политические диссиденты, студенческие активисты, правозащитники, лица, пережившие гендерное насилие, и др.

В отчете правозащитной организации Human Rights First приводятся данные, свидетельствующие, что с тех пор, как президент Джо Байден вступил в должность, лица, ищущие убежища, содержались в центрах содержания под стражей в среднем 3,7 месяца<sup>5</sup>. Сюда входили и те, кто прошел так называемые собеседования с целью обоснования своего страха, в ходе которых проситель убежища должен объяснить сотруднику иммиграционной службы, почему возвращение в страну происхождения может подвергнуть его опасности.

С января 2021 года подавляющее большинство просителей убежища, заключенных в тюрьму администрацией Байдена, были задержаны после пересечения южной границы США. Они оказались в ловушке между использованием администрацией политики, известной как «Title 42» для отказа большинству просителей убежища и использованием «приоритетов правоприменения» против тех, кто не был выслан<sup>6</sup>. Администрация придерживается политики «Title 42» под предлогом риска для здоровья, связанного с COVID-19, чтобы помешать людям просить убежища в точках въезда в США и высылать их без доступа к системе предоставления убежища, если они пересекут границу.

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<sup>1</sup> Immigration Detention 101: The United States government maintains the world's largest immigration detention system. In: Detention Watch Network. [Online]: <https://www.detentionwatchnetwork.org/issues/detention-101> (Accessed: 01.04.2024).

<sup>2</sup> Biden administration releases families from migration center, 07.03.2021. In: EmoxNews.Com. [Online]: <https://emoxnews.com/biden-administration-releases-families-from-migration-centers/> (Accessed: 01.04.2024).

<sup>3</sup> Keveney B. Biden administration jails too many asylum seekers and keeps them locked up too long, report finds, 21.04.2022. In: USA Today [Online]: <https://www.usatoday.com/story/news/nation/2022/04/21/biden-administration-slammed-immigration-detentions/7389063001/> (Accessed: 01.04.2024).

<sup>4</sup> I'm a Prisoner Here: Biden Administration Policies Lock Up Asylum Seekers, April 2022. In: Human Rights First. [Online]: <https://humanrightsfirst.org/wp-content/uploads/2022/09/ImaPrisonerHere.pdf> (Accessed: 01.04.2024).

<sup>5</sup> Ibid.

<sup>6</sup> Sherman-Stokes S. Public health and the power to exclude: immigrant expulsions at the border. In: Geo. Immigr. LJ, 2021, Vol. 36, P. 261.

Лица, ищущие убежища, не высланные в соответствии с политикой «Title 42», сталкиваются с еще одним испытанием, поскольку DHS рассматривает их как «приоритеты правоприменения» (угроза национальной безопасности, угроза общественной безопасности, угроза безопасности границ) в соответствии с выпущенными DHS меморандумами, которые не предусматривают никаких исключений для тех, кто ищет убежища в Соединенных Штатах<sup>1</sup>. Применение DHS мер по задержанию лиц, ищущих убежища, привело к их многомесячным заключениям, разлученным семьям, незаконному содержанию детей в учреждениях для взрослых, подвергло опасности многих лиц, ищущих убежища из числа ЛГБТК, и подвергло людей с серьезными заболеваниями повышенному риску во время продолжающейся пандемии COVID-19.

23 февраля 2023 года администрация Байдена опубликовала предложение правил, запрещающих многим беженцам искать убежища в Соединенных Штатах и лишаящих их возможности воссоединиться со своими семьями и продолжить путь к гражданству<sup>2</sup>. Члены Конгресса, правозащитники, религиозные организации и многие другие ранее высказывались категорически против этого плана и призывали администрацию не вводить эти правила<sup>3</sup>. Предлагаемый запрет на предоставление убежища является новой итерацией предыдущих запретов администрации Трампа, которые неправомерно лишают беженцев права на убежище на основании способа въезда в Соединенные Штаты транзитом через третью страну, и уже неоднократно отклонялись федеральными судами. Предлагаемые правила вступают в противоречия с международными договорами, участником которых являются Соединенные Штаты, такими как Конвенция против пыток и других жестоких, бесчеловечных или унижающих достоинство видов обращения и наказания 1984 г., Протокол, касающийся статуса беженцев 1967 г., Международная конвенция о ликвидации всех форм расовой дискриминации 1965 г., Международный пакт о гражданских и политических правах 1966 г.

В своем указе от февраля 2021 года президент Байден пообещал «восстановить и укрепить систему предоставления убежища, которая сильно пострадала от политики, проводимой в течение последних четырех лет, и причиняла ненужные человеческие страдания»<sup>4</sup>. Будучи кандидатом в президенты, он пообещал, что его администрация не будет «отказывать в предоставлении убежища людям, спасающимся от преследований и насилия», и прекратит ограничения на предоставление убежища для тех, кто проходит транзитом через другие страны, чтобы достичь безопасности<sup>5</sup>. Предлагаемые правила противоречат этим обещаниям. Это вопиющая попытка обойти существующее законодательство о беженцах и договорные обязательства и приведет Соединенные Штаты к депортации беженцев в опасные для жизни условия<sup>6</sup>.

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<sup>1</sup> Memorandum U.S. Department of Homeland Security, Alejandro N. Mayorkas, 30.09.2021. In: U.S. Immigration and Custom Enforcemet. [Online]: <https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw.pdf> (Accessed: 01.04.2024).

<sup>2</sup> Notifications about the initiative, 23.02.2023. In: U.S. Department of Justice. [Online]: <https://public-inspection.federalregister.gov/2023-03718.pdf> (Accessed: 01.04.2024).

<sup>3</sup> Oxfam reaction to new asylum ban, February 21, 2023. In: Oxfam official. [Online]: <https://www.oxfamamerica.org/press/press-releases/oxfam-reaction-to-new-asylum-ban/> (Accessed: 01.04.2024).

<sup>4</sup> Joe Biden Speech on Foreign Policy Transcript February 4: “America is Back”. In: REV [Online]: <https://www.rev.com/blog/transcripts/joe-biden-speech-on-foreign-policy-transcript-february-4-america-is-back> (Accessed: 01.04.2024).

<sup>5</sup> Shumilina I. J. Bidens Immigration Reform: The American Dream Reborn? In: USA & Canada: Economics, Politics, Culture, 2021, №. 7, p. 19-33.

<sup>6</sup> U.S. to end COVID-19 emergency declarations on May 11, 31.01.2023. In: Reuters. [Online]: <https://www.reuters.com/world/us/us-end-covid-19-emergency-declarations-may-11-2023-01-30/> (Accessed: 01.04.2024).

Администрация Байдена предоставила общественности всего 30 дней для комментариев по предлагаемым правилам, фактически лишая права на содержательные комментарии в соответствии с процедурами нормотворчества, предусмотренными Законом об административных процедурах. Этих временных рамок недостаточно для принятия предлагаемого радикального правила, которое лишило бы просителей убежища права на убежище в нарушение законодательства США и лишило бы многих доступа к убежищу.

Многие неправительственные правозащитные организации, такие как Human Rights Watch, Refugees International, American Civil Liberties Union (ACLU), Center for Gender and Refugee Studies and Covington & Burling LLP и другие в своих отчетах неоднократно фиксировали и другие нарушения США международных норм, связанных с правами беженцев и лиц, ищущих убежище.

Законодательство США предоставляет DHS юридические полномочия для условно-досрочного освобождения просителей убежища, чтобы они могли вести свои дела в общинах Соединенных Штатов. Но поскольку политика администрации Байдена фактически определяет лиц, ищущих убежища, как «приоритеты» правоохранительных органов, ICE часто отказывала или откладывала их освобождение<sup>1</sup>. Лица, ищущие убежища, прибывающие из стран с преобладанием черного населения, чаще подвергаются дискриминационным отказам в условно-досрочном освобождении со стороны сотрудников ICE, а также получают немотивированные отказы в залоге или астрономические суммы, наложенные судьями иммиграционного суда<sup>2</sup>. В отчете Human Rights First говорится, что чернокожие лица, ищущие убежища, содержались под стражей в среднем почти 4,3 месяца, что на 27 процентов дольше, чем лица, ищущие убежища, не являющимися чернокожими<sup>3</sup>.

Так же в своих отчетах правозащитные организации фиксируют, что медицинское обслуживание в иммиграционных центрах содержания под стражей является некачественным, и иногда, когда им полностью пренебрегают, приводит к смертельным случаям; они также обнаружили, что широко распространены утверждения о жестоком обращении с детьми в местах содержания под стражей<sup>4</sup>.

### **Заключение**

В связи со стремительно растущим потоком беженцев и лиц, ищущих убежище, многие страны стали заложниками ситуации. С одной стороны, они вынуждены оказывать всевозможную помощь людям, попавшим в беду и ищущим защиты, с другой стороны, они должны отстаивать свои экономические интересы и интересы национальной безопасности. По этой причине задержания беженцев повсеместно стали инструментом управления вынужденной миграцией.

В международном праве достаточно большое внимание уделяется регулированию данного процесса. Сформирован понятийный аппарат, закреплены права не только основной категории, подвергающейся задержанию, но и уязвимых групп лиц. Детально описаны все разрешенные и еще подробнее все запрещенные действия, совершаемые по отношению к задержанным беженцам. Составлены практические руководства и рекомендации к организации процесса и местам содержания под стражей, включая методики мониторинга. Сформированы постоянно действующие международные

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<sup>1</sup> Detained Asylum Seekers Deprived of Due Process in Expedited Removal Process, June 30, 2021. In: The Southern Poverty Law Center. [Online]: [https://www.splcenter.org/sites/default/files/detained\\_asylum\\_seeker\\_grievance\\_letter\\_30\\_june\\_2021.pdf](https://www.splcenter.org/sites/default/files/detained_asylum_seeker_grievance_letter_30_june_2021.pdf) (Accessed: 01.04.2024).

<sup>2</sup> I'm a Prisoner Here: Biden Administration Policies Lock Up Asylum Seekers, April 2022. In: Human Rights First. [Online]: <https://humanrightsfirst.org/wp-content/uploads/2022/09/ImaPrisonerHere.pdf> (Дата посещения: 01.04.2024).

<sup>3</sup> Ibid.

<sup>4</sup> Conditions at the NWDC: Allegations of Medical Neglect, 16.04.2020. In: The University of Washington Center for Human Rights (UWCHR). [Online]: [https://jsis.washington.edu/humanrights/2020/04/16/nwdc-medical/#\\_ftn3](https://jsis.washington.edu/humanrights/2020/04/16/nwdc-medical/#_ftn3) (Accessed: 01.04.2024).

договорные органы которые следят за соблюдением положений, применимых к беженцам, лицам, ищущим убежища, и мигрантам, находящимся под стражей.

В то же время в национальной практике государств имеют место грубейшие нарушения норм международного права, касающихся беженцев. На примере Соединенных Штатов Америки, позиционирующих себя, как лидера в защите мировой демократии и личных свобод, наглядно видно, что происходит, когда на первое место выходят национальные интересы.

Администрация Байдена часто подвергается критике со стороны правозащитников и прогрессивных демократических лидеров, призывающих президента сделать больше для выполнения своих обязательств перед лицами, ищущими убежища. С другой стороны, в противовес встают интересы национальной безопасности и давление республиканской партии. Ежедневно только на границу Мексики и США прибывают около 6000 просителей убежища. Для частичного сдерживания этого неослабевающего миграционного потока США вынуждены, в нарушении международных норм, производить массовые задержания и помещать под стражу на неопределенный срок, связанный с перегрузкой системы рассмотрения ходатайств о предоставлении убежища. В условиях переполненности всей системы содержания под стражей, повсеместно возникают нарушения прав беженцев, связанные с дискриминацией по расовому признаку, предвзятым правосудием, отсутствием своевременной квалифицированной помощи, содержанием под стражей уязвимой группы лиц, ограничением доступа к системе предоставления убежища, к адвокатам и многие другие нарушения, подробно и массово фиксируемых в отчетах правозащитников.

Несмотря на предвыборные обещания об укреплении системы предоставления убежища, в связи с приближающимися сроками окончания ограничений, связанными с пандемией («Title 42»), администрация Байдена вынесла на рассмотрение беспрецедентный законопроект ограничивающий фундаментальные права беженцев на предоставление убежища, который подвергнет риску жизни сотни тысяч людей, ищущих международной защиты. И даже при наличии таких радикальных мер управления миграционным кризисом, ряд американских штатов, возглавляемых республиканцами, остался недоволен и подал в суд на администрацию Байдена, утверждая, что прекращение ограничений эпохи пандемии приведет к «беспрецедентному кризису на южной границе Соединенных Штатов» и «полному хаосу и катастрофе».

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<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.10>





Revista Moldovenească de Drept Internațional și Relații Internaționale /  
Moldavian Journal of International Law and International Relations /  
Молдавский журнал международного права и международных отношений

2024, Issue 2, Volume 19, Pages 145-151.

ISSN 1857-1999 EISSN 2345-1963

Submitted: 15.04.2024 | Reviewed: 12.05.2024 | Accepted: 20.06.2024 | Published: 15.07.2024

[\\*https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.11](https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.11)

**TRIBUNA TÎNĂRULUI CERCETĂTOR**  
**THE TRIBUNE OF YOUNG SCIENTISTS**  
**ТРИБУНА МОЛОДЫХ УЧЕНЫХ**

**SISTEMUL SECURITĂȚII COLECTIVE**

**COLLECTIVE SECURITY SYSTEM**

**СИСТЕМА КОЛЛЕКТИВНОЙ БЕЗОПАСНОСТИ**

COȘLEȚ Nicolae\* / COSLET Nicolae / КОШЛЕЦ Николае

**ABSTRACT:**

**COLLECTIVE SECURITY SYSTEM**

*The prevention of armed conflicts and the maintenance of peace and security has always been on the agenda of states. In this respect, initially military alliances and later collective security organizations were created to respond to these challenges.*

*This study aims to elucidate the system of collective security carried out in relevant organizations that may have a universal or regional character.*

**Keywords:** *Collective security, member-states, international organizations.*

**JEL Classification:** K33

**Universal Decimal Classification:** 341.241

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.11>

**REZUMAT:**

**SISTEMUL SECURITĂȚII COLECTIVE**

*Prevenirea conflictelor armate și menținerea păcii și securității a fost mereu pe ordinea de zi a statelor. În acest sens, fiind inițial create alianțe militare iar ulterior organizații de securitate colectivă care urmau să răspundă acestor provocări.*

*Prezentul studiu are menirea de a elucidă sistemul securității colective realizat în cadrul organizațiilor de resort care pot avea un caracter universal sau regional.*

**Cuvinte-cheie:** *Securitate colectivă, state membri, organizații internaționale.*

**JEL Classification:** K33

**CZU:** 341.241

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.11>

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РЕЗЮМЕ:  
СИСТЕМА КОЛЛЕКТИВНОЙ БЕЗОПАСНОСТИ

*Предотвращение вооруженных конфликтов и поддержание мира и безопасности всегда было на повестке дня государств. В связи с этим, первоначально были созданы военные союзы, а затем организации коллективной безопасности, которые будут обеспечивать безопасность государств-участников.*

*Целью настоящего исследования является определение системы коллективной безопасности, осуществляемой в соответствующих организациях, которые могут иметь универсальный или региональный характер.*

**Ключевые слова:** Коллективная безопасность, государства-участники, международные организации.

**JEL Classification:** K33

**УДК:** 341.241

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.11>

### Introducere

Din momentul creării primelor state, acestea își manifestă preocuparea pentru asigurarea propriei existențe, deoarece unul dintre obiectivele sale principale este să-și păstreze suveranitatea printre alte state, asigurându-și totodată, securitatea și bunăstarea.

Cele mai vechi asociații locale (regionale) în domeniul securității s-au format în Egiptul antic și Mesopotamia. În acea perioadă existau orașe-state, cum ar fi Eris, Umma, Uruk și Lagash, iar între șefii acestor state au fost stabilite legături puternice bazate pe tratate internaționale. Astfel, aceștia au negociat între ei diverse subiecte, au încheiat tratate privind constituirea alianțelor militare, tratate de pace, precum și tratate ce aveau drept scop delimitări teritoriale. Această practică a semnării tratatelor de securitate a fost dezvoltată și în Grecia antică continuând ulterior în Roma antică<sup>1</sup>.

Între sfârșitul războaielor napoleoniene și începutul anilor 1900, statele europene au făcut parte dintr-un sistem de echilibrare a puterii. Acesta este un sistem în care statele urmăresc securitatea într-un context anarhic prin aderarea la alianțe pentru a împiedica un singur centru de putere (un anumit grup de state) să domine sistemul internațional și să devină un expansionist. În cadrul unui sistem de echilibru al puterii, statele pot schimba alianțele pentru a promova echilibrul între centrele de putere.

### Sistemul securității colective

Sistemul de echilibru al puterii, însă, a eșuat odată cu izbucnirea Primului Război Mondial și, ca urmare a naturii sale îngrozitoare și a consecințelor sale, securitatea colectivă a fost urmărită și la etapa de creare a Ligii Națiunilor în 1919 – o organizație dedicată menținerii păcii dar care a fost sortită eșecului.

Este poate prea ușor să respingem conceptul securității colective ca fiind un sistem internațional nefuncțional pur și simplu pe baza experienței Ligii Națiunilor. Liga a eșuat pentru că prea multe state puternice nu au dorit să participe și pentru că cele care au rămas nu au avut nici voința, nici puterea de a pune în aplicare prevederile Pactului. Acesta a fost lăsat în seama Marii Britanii și Franței, care nu erau nici suficient de interesate de el și nici convinse de utilitatea sa. Nimeni nu era pregătit să facă sacrificiile implicate în acțiunea colectivă. Așa-numitele democrații occidentale au revenit la vechiul joc al echilibrului de putere și de cele mai multe ori au avut tendința de a considera Liga ca un instrument destul de inflexibil în acest scop. Marea Britanie și Franța au încercat să reconcilieze politica de echilibru a puterii cu conceptul de securitate colectivă prin intermediul mecanismului stângaci

<sup>1</sup> Kostin S.A., Aspecte juridice internaționale ale asigurării securității colective în Europa: XX - începutul secolului XXI, pag. 8. [Online]: <https://izd-mn.com/PDF/54MNNPM20.pdf> (Vizitat la: 09.05.2023)

și imposibil de realizat reprezentat de Tratatul de la Locarno<sup>1</sup>. Locarno a fost doar o încercare de a garanta frontierele existente în Europa iar în ceea ce privește Liga Națiunilor, aceasta a demonstrat doar că securitatea devenise sinonimă cu status quo-ul în mintea majorității funcționarilor de stat europeni<sup>2</sup>.

Astfel, putem constata că unul dintre defectele securității colective rezidă în faptul că unul sau mai multe state pot refuza să acționeze atunci când un alt stat membru este atacat. Această slăbiciune a contribuit la declanșarea celui de-al Doilea Război Mondial, când mai multe state au invadat teritoriile altor state suverane, fără a fi luată nicio măsură de prevenire sau contracarare a acestor acțiuni. Acesta a fost și cazul în timpul invaziei Abisiniei (acum Etiopia) de către Italia în octombrie 1935, precum și în timpul invaziei germane a Poloniei în septembrie 1939<sup>3</sup>.

Conceptul de securitate colectivă este foarte dificil de definit. La fel ca și democrația, drepturile omului și statul de drept, termenul este asociat cu un set slab de ipoteze și idei, iar existența sa continuă să se bazeze în mare măsură pe faptul că rămâne un concept esențial contestat.

Conceptul de securitate colectivă a fost promovat pentru prima dată de Immanuel Kant și a fost postulat ca un mijloc prin care ar putea fi asigurată pacea internațională. Mai târziu a fost aplicată în practică prin înființarea Ligii Națiunilor după Primul Război Mondial. Apărarea colectivă, prin contrast, este înțeleasă ca fiind un acord bilateral sau regional între-un sub-set de state care convin că un atac militar împotriva oricărui membru al alianței este considerat a fi un atac împotriva tuturor. În plus, ei sunt de acord să facă față oricărui astfel de atac cu un răspuns militar colectiv<sup>4</sup>.

Este de menționat că, dicționarele oferă practic aceeași explicație securității colective, având totodată unele diferențe.

Definiția propusă de enciclopedia istorică sovietică definește securitatea colectivă drept măsuri comune ale statelor pentru asigurarea păcii, prevenirea agresiunii și combaterea acesteia, realizate prin intermediul Organizațiilor internaționale sau prin Acordurile internaționale încheiate între state (apărarea colectivă). Securitatea colectivă se bazează pe principiul neagresiunii, conform căruia un atac asupra a cel puțin unei țări reprezintă o încălcare a păcii mondiale și o agresiune împotriva tuturor celorlalte state care și-au asumat obligații corespunzătoare. Tratatul de securitate colectivă conține angajamente importante precum interzicerea agresiunii, abținerea de la amenințarea sau utilizarea forței, soluționarea pașnică a diferendelor, consultări reciproce în cazul amenințării de agresiune, refuzul de a ajuta statul agresor, asistența reciprocă în lupta împotriva agresiunii, inclusiv utilizarea forței armate etc.<sup>5</sup>.

Nu putem fi de acord cu definiția menționată mai sus, or securitatea colectivă și apărarea colectivă sunt concepte asociate, dar distincte. Apărarea colectivă este chemată să stopeze agresiunea ce parvine dintr-o sursă predeterminată, pe când securitatea colectivă este îndreptată contra tuturor tentativelor de încălcare a păcii internaționale<sup>6</sup>.

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<sup>1</sup> Tratatul de garanție reciprocă dintre Germania, Belgia, Franța, Marea Britanie și Italia, încheiat la Locarno, 16 octombrie 1925, [Online]: <https://treaties.un.org/doc/Publication/UNTS/Volume%2054/volume-I-1292-French.pdf> (Vizitat la: 09.11.2022)

<sup>2</sup> Pick O. și Critchley J., Securitate colectivă, The Macmillan Press Ltd, anul 1974, pag. 28.

<sup>3</sup> Evert J., Securitatea colectivă în Africa: tensiunea dintre teorie și practică, Strategic Review for Southern Africa, Vol 39, nr. 1, anul 2017, pag. 162 și 163. [Online]: [https://www.up.ac.za/media/shared/85/Strategic%20Review/Vol%2039\(1\)/pp-160-184-e-jordaan.zp121534.pdf](https://www.up.ac.za/media/shared/85/Strategic%20Review/Vol%2039(1)/pp-160-184-e-jordaan.zp121534.pdf) (Vizitat la: 09.05.2023)

<sup>4</sup> Tonra B., Irlanda și securitatea colectivă, Institutul de administrare publică, [Online]: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1484777](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1484777) (Vizitat la: 09.04.2023)

<sup>5</sup> Enciclopedia istorică sovietică, „Советская энциклопедия”, pag. 22393, [Online]: [https://enc.biblioclub.ru/Termin/1504838\\_Kollektivnaya\\_bezopasnost](https://enc.biblioclub.ru/Termin/1504838_Kollektivnaya_bezopasnost) (Vizitat la: 09.05.2023)

<sup>6</sup> Dorul O., Conceptul de securitate colectivă în dreptul internațional contemporan, Revista moldovenească de drept internațional și relații internaționale, nr. 1, pag. 69. [Online]: [https://ibn.idsi.md/sites/default/files/imag\\_file/10.Conceptul%20de%20securitate%20colectiva%20in%20dreptul%20International%20contemporan.pdf](https://ibn.idsi.md/sites/default/files/imag_file/10.Conceptul%20de%20securitate%20colectiva%20in%20dreptul%20International%20contemporan.pdf) (Vizitat la: 09.05.2023)

Potrivit dicționarului explicativ francez securitatea colectivă reprezintă protecția societății împotriva atacurilor asupra instituțiilor, persoanelor și proprietății<sup>1</sup>.

O altă definiție o găsim în enciclopedia britanică care definește securitatea colectivă drept un sistem prin care statele au încercat să prevină sau să oprească conflictele armate. Conform unui aranjament de securitate colectivă, un agresor împotriva oricărui stat este considerat un agresor împotriva tuturor celorlalte state, care acționează împreună pentru a respinge agresorul<sup>2</sup>.

Potrivit enciclopediei juridice rusești, securitatea colectivă reprezintă cooperarea statelor în ceea ce privește menținerea păcii internaționale, prevenirea și eliminarea amenințărilor la adresa păcii și, dacă este necesar, reprimarea actelor de agresiune. Este un sistem prin care trebuie garantată securitatea și integritatea teritorială a fiecărei țări. Cooperarea ar trebui să aibă loc în cadrul Națiunilor Unite și al organizațiilor regionale<sup>3</sup>.

Din analiza definițiilor prezentate putem deduce că securitatea colectivă:

- este realizată de comun acord al statelor;
- funcționează prin intermediul Organizațiilor de securitate colectivă;
- se bazează pe principiile dreptului internațional public - principiul neagresiunii, principiul soluționării diferendelor internaționale pe cale pașnică, principiul egalității și securității egale etc.

- impune statele membre al unei organizații de securitate colectivă să intervină în cazul actelor de agresiune întreprinse contra unul din membrii acestei organizații.

Doctrina de specialitate, la fel, oferă explicații privind noțiunea securității colective.

Astfel, potrivit lui Arnaud Blin și Gustavo Marin, securitatea colectivă în termeni simpli semnifică ideea conform căreia agresiunea unui stat împotriva altui stat este echivalentă cu agresiunea împotriva tuturor statelor membre a unei Organizații de securitate colectivă, acestea din urmă având datoria să se opună acestei agresiuni. Conceptul de securitate colectivă este într-un fel un contract social între state, în timp ce sistemul de echilibru este un mecanism care ar trebui să prevină apariția unui stat care din punct de vedere militar, devine din ce în ce mai dezvoltat, susceptibil să răstoarne status quo-ul stabilit pe arena internațională. Obiectivul securității colective constă în garantarea stabilității și păcii, iar cel al echilibrului constă în menținerea status quo-ului (în special cel al marilor puteri), dacă este nevoie recurgând la o constrângere militară<sup>4</sup>.

Alexander Orakhelashvili identifică securitatea colectivă drept o acțiune colectivă ca răspuns la o amenințare identificată, la fel, colectiv<sup>5</sup>. Astfel, potrivit autorului nici o securitate colectivă nu este fezabilă dacă nu se bazează pe nevoile fundamentale de securitate ale statelor. După cum precizează Raportul de nivel înalt al Grupului de experți, fondatorii ONU au fost preocupați de securitatea statului, în ceea ce privește reacția colectivă împotriva agresiunii. Securitatea fiecărui stat este o valoare în sine. Ea acoperă păstrarea de către state a teritoriului lor, a valorilor, a dezvoltării și a calității vieții populației lor.

Problemele de securitate internațională trebuie identificate în contextul internațional în care nu există nici un guvern, nici o opinie socio-politică omogenă. Singurul mod posibil de a „securiza” anumite aspecte este un acord între state.

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<sup>1</sup> Dicționar explicativ Larousse, [Online]: <https://www.larousse.fr/dictionnaires/francais/s/C3%A9curit%C3%A9/71792#15000714> (Vizitat la: 09.04.2023)

<sup>2</sup> Enciclopedia Britannica, [Online]: <https://www.britannica.com/topic/collective-security> (Vizitat la: 09.04.2023)

<sup>3</sup> Enciclopedia juridică „Юристъ”, anul 2001, pag. 1272, [Online]: <https://determiner.ru/termin/kollektivnaja-bezopasnost.html> (Vizitat la: 09.09.2022)

<sup>4</sup> Blin A., Marin G., Problema de securitate colectivă, [Online]: <https://www2.world-governance.org/article409.html?lang=en> (Vizitat la: 09.04.2023)

<sup>5</sup> Orakhelashvili A., Securitatea colectivă, anul 2011, pag. 4 și 5, [Online]: <https://academic.oup.com/book/3091> (Vizitat la: 10.05.2023)

Urmare a celor menționate *supra*, reiese că securitatea colectivă este de fapt acel sistem interstatal bazat pe principiul conform căruia, în cazul utilizării sau amenințării cu folosirea forței de către orice stat, toate statele participante vor lua măsuri comune pentru a preveni sau a opri agresiunea<sup>1</sup>.

Ca orice alt sistem, securitatea colectivă trebuie să îndeplinească trei funcții:

- O funcție disuasivă: existența sistemului îi descurajează pe parteneri să recurgă la forța armată, care ar fi sortită eșecului, conform principiului echilibrului.
- O funcție preventivă, care este realizată prin diplomație, chiar dacă poate include și măsuri coercitive - dar fără utilizarea violenței armate.
- O funcție corectivă: în cazul unui atac asupra păcii care este în sine, așa cum subliniază Serge Sur, „un eșec al sistemului, care presupune că funcțiile anterioare nu au putut fi aplicate, iar securitatea colectivă este pusă în situația de a corecta toate lacunele. Ea implică, sau poate implica, folosirea forței armate împotriva celor care au contestat sistemul sau au ieșit din el<sup>2</sup>.

În acord cu definițiile propuse atât de dicționarele explicative cât și de doctrină, se reiterează că, sistemul de securitate colectivă este realizat în cadrul organizațiilor de resort care pot avea un caracter universal sau regional. Mecanismul juridic al sistemului de securitate colectivă universală este stabilit în Carta Națiunilor Unite. Organizația Națiunilor Unite (ONU) este organizația universală a sistemului de securitate colectivă. Principala sarcină a Organizației Națiunilor Unite în temeiul Cartei sale este „menținerea păcii și securității internaționale”. În acest sens, Carta prevede atât măsuri preventive, cât și măsuri de constrângere împotriva statelor care încalcă pacea.

Pe lângă sistemul universal de securitate colectivă, Carta Națiunilor Unite permite posibilitatea de a institui sisteme similare cu caracter regional „destinate a se ocupa cu problemele privind menținerea păcii și securității internaționale care sânt susceptibile de acțiuni cu caracter regional” (art.52). Acțiunile lor nu trebuie să contravină scopurilor și principiilor Organizației Națiunilor Unite.

Printre cele mai importante organizații regionale de securitate colectivă putem evidenția următoarele: Organizația Tratatului Atlanticului de Nord (OTAN) și Organizația Tratatului de Securitate Colectivă (OTSC). Totuși, pe lângă cele enunțate, unii autori consideră și alte organizații drept organizații regionale de securitate colectivă, după cum urmează: în America - Organizația Statelor Americane (OAS); pe continentul african – Uniunea Africană (UA), Comunitatea Economică a Statelor din Africa de Vest (ECOWAS), Comunitatea de Dezvoltare a Africii de Sud (SADC), Autoritatea Interguvernamentală pentru Dezvoltare (IGAD); în Orientul apropiat și Mijlociu - Liga Statelor Arabe (LAS), Organizația Cooperării Islamice (OCI); în Europa - Organizația pentru Securitate și Cooperare în Europa (OSCE) și Organizația pentru Cooperare de la Shanghai, relativ nouă (OSC). Statutele constitutive ale acestor organizații conțin un mecanism juridic pentru asigurarea securității la nivel regional.

De menționat că, pentru a evita posibilitatea înlocuirii Consiliului de Securitate al ONU, Carta definește în mod clar poziția organizațiilor regionale de securitate colectivă față de ONU, care poartă responsabilitatea principală pentru menținerea păcii internaționale. Astfel, Consiliul de Securitate al ONU trebuie să fie pe deplin informat cu privire la acțiunile nu numai întreprinse, ci și avute în vedere în temeiul acordurilor regionale pentru menținerea păcii și securității internaționale<sup>3</sup>.

<sup>1</sup> Enciclopedia Universalis, [Online]: <https://www.universalis.fr/encyclopedie/securite-collective/> (Vizitat la: 10.05.2023).

<sup>2</sup> Securitatea colectivă: o problemă, Extras din Caietul Fundației Res Publica consacrat „ONU în 2005”, [Online]: <https://www.afri-ct.org/2005/la-securite-collective-une/> (Vizitat la: 09.05.2023).

<sup>3</sup> Tynybekuly B., Unele caracteristici ale sistemului de securitate colectivă, Lucrări științifice ale Universității din Kazahstanul de sud „M. Auezova”, pag. 271, [Online]: [https://www.elibrary.ru/download/elibrary\\_41561001\\_83363625.pdf](https://www.elibrary.ru/download/elibrary_41561001_83363625.pdf) (Vizitat la: 09.05.2023).

## Concluzii

Urmare a celor expuse mai sus, putem concluziona că securitatea colectivă este în primul rând un concept, care se bazează pe „o viziune a păcii și a securității comune, formând un tot întreg indivizibil, a cărui obiectiv nu poate fi atins decât prin măsuri de solidaritate socială: *securitatea fiecăruia îi privește pe toți*. Din acest punct de vedere, pacea este privită nu doar din perspectiva absenței desfășurării unui conflict armat dar mai degrabă ca o valoare ce necesită a fi protejată și promovată. Aceasta întruchipează ideea că statele din cadrul sistemului internațional se unesc pe baza unui set de norme convenite și apoi se angajează să apere o ordine internațională astfel stabilită printr-o organizație internațională. Acea organizație este, la rândul său, investită cu legitimitatea juridică și politică de a determina existența oricărei amenințări la adresa ordinului convenit și are obligația în consecință și (se presupune că și) capacitatea de a aborda astfel de amenințări, până la și inclusiv, utilizarea forței militare.

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<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.11>



Revista Moldovenească de Drept Internațional și Relații Internaționale /  
Moldavian Journal of International Law and International Relations /  
Молдавский журнал международного права и международных отношений

2024, Issue 2, Volume 19, Pages 152-161.

ISSN 1857-1999 EISSN 2345-1963

Submitted: 06.07.2024 | Reviewed 10.07.2024 | Accepted: 13.07.2024 | Published: 15.07.2024

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-1.12>

**TRIBUNA TÎNĂRULUI CERCETĂTOR  
THE TRIBUNE OF YOUNG SCIENTISTS  
ТРИБУНА МОЛОДЫХ УЧЕНЫХ**

**THE RULE OF LAW AND THE ROLE OF RELIGION**

**STATUL DE DREPT ȘI ROLUL RELIGIEI**

**ВЕРХОВЕНСТВО ПРАВА И РОЛЬ РЕЛИГИИ**

SEDLETCHII Nicolai\* / SEDLETCHII Nicolai / СЕДЛЕЦКИЙ Николай

**ABSTRACT:**

**THE RULE OF LAW AND THE ROLE OF RELIGION**

*The article explores the role of religion as powerful factor of worldview management that form the basis of human consciousness and behaviour. The idea of God-humanity and its influence on the concept of human freedom and duties to God are examined. Contemporary challenges facing religious organisations are also discussed, including their relevance to young people and internal aspects such as leadership and finances. Particular attention is paid to the concentration of power in the hands of autocratic leaders and its impact on human rights, including the right to religious freedom. The article emphasises the need to critically analyse the complex dynamics of the relationship between religion and the state and to find a balance between religious attitudes and the promotion of human rights.*

**Keywords:** religion, society, rule of law, religious freedom, human rights, political power.

**JEL Classification:** K10; Z12

**Universal Decimal Classification:** 1:21; 321.01; 340.11:1

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.12>

**REZUMAT:**

**STATUL DE DREPT ȘI ROLUL RELIGIEI**

*Articolul explorează rolul religiei ca factor puternici de gestionare a viziunii asupra lumii care stau la baza conștiinței și comportamentului uman. Sunt examinate ideea de Dumnezeu-umanitate și influența acesteia asupra conceptului de libertate umană și a îndatoririlor față de Dumnezeu. De asemenea, sunt discutate provocările contemporane cu care se confruntă organizațiile religioase, inclusiv relevanța lor pentru tineri și aspecte interne precum conducerea și finanțele. O atenție deosebită este acordată concentrării puterii în mâinile liderilor autocratici și impactului acesteia asupra drepturilor omului, inclusiv asupra dreptului la libertate religioasă. Articolul subliniază necesitatea de a analiza critic dinamica complexă a relației dintre religie și stat și de a găsi un echilibru între atitudinile religioase și promovarea drepturilor omului.*

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**Cuvinte cheie:** religie, societate, stat de drept, libertate religioasă, drepturile omului, putere politică.

**JEL Classification:** K10; Z12

**CZU:** 1:21; 321.01; 340.11:1

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.12>

РЕЗЮМЕ:

### ВЕРХОВЕНСТВО ПРАВА И РОЛЬ РЕЛИГИИ

*В статье исследуется роль религии как мощного фактора управления мировоззрением, формирующей основы человеческого сознания и поведения. Рассматривается идея богочеловечности и ее влияние на концепцию свободы человека и его обязанностей перед Богом. Также обсуждаются современные проблемы, стоящие перед религиозными организациями, в том числе их актуальность для молодежи и внутренние аспекты, такие как лидерство и финансы. Особое внимание уделяется концентрации власти в руках авторитарных лидеров и ее влиянию на права человека, включая право на свободу вероисповедания. В статье подчеркивается необходимость критического анализа сложной динамики отношений между религией и государством и поиска баланса между религиозными установками и поощрением прав человека.*

**Ключевые слова:** религия, общество, верховенство закона, свобода вероисповедания, права человека, политическая власть.

**JEL Classification:** K10; Z12

**УДК:** 1:21; 321.01; 340.11:1

<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.12>

### Introduction

The instruments of worldview control, such as religion and cults, are powerful factors shaping the perception of the world and the foundations of human consciousness. Religion, entering consciousness, is deeply rooted and affects the worldview, which is reflected in his behaviour and relations with the world around him.

Christianity, which first became the state religion in the Roman Empire in the fourth century, went through phases of internal divisions and schisms, including a period of paganism under Julian II. Over time, however, Christianity became the dominant force, organising itself into patriarchates and orthodox streams. The division into different church branches, such as the Armenian, Coptic, Ethiopian, and Syro-Jacobite churches, reflects the complex nature of religious history and doctrines. In the seventh century, after the Council of Chalcedon, there was a breakaway of the main branch of Christianity, which signalled deep religious divisions and the formation of different denominations and doctrines within Christianity. The conflict between the Western and Eastern churches in the eleventh century manifested itself in differences in linguistic and cultural aspects, as well as in philosophical understanding of religious values. The Western Church, committed to the Latin language and papal authority in Rome, clashed with the Eastern Church, which used the Greek language and was based on Byzantine tradition. These differences were expressed not only in the language of worship but also in cultural practices and even in political aspects, including relations with state structures.

American society, similar to Western European society in terms of socio-economic characteristics, differs in its attitude towards religion. Opinion polls show a gradual decline in the proportion of believers and adherence to religious teachings both in the United States and around the world. Nevertheless, the level of religiosity in American society remains high compared to European countries. According to Pew Research, about 80 per cent of Americans believe in God. This reflects the high level of religiosity and is accompanied by the fact that

many have their particular ideas about God that differ from canonical teachings. The modern individual's desire for religious beliefs is manifested in the acceptance of faith with appropriate adjustments and interpretations. Young people in Europe and other societies tend to deviate from traditional religious norms and practices. This process, while it can be seen as a liberation from dogma and superstition, also involves a search for new forms of spirituality and connection to society.

### **The rule of law and the role of religion**

Due to global research because of serious issues such as the COVID-19 pandemic, the conflict in Ukraine, tensions over the South China Sea, and economic hardship, religious freedom has suffered in 61 countries, affecting more than 4.9 billion people. Conventionally, the countries can be divided into three groups:

1. Religious persecution, where state and non-state actors openly and with impunity oppress and persecute citizens, exists in 28 countries with more than half of the world's population (4.03 billion people). China and India are among the worst violators of religious freedom. The situation has deteriorated sharply in 13 African countries. These are Libya, Mali, Burkina Faso, Niger, Chad, Nigeria, Cameroon, Sudan, the Democratic Republic of the Congo, Eritrea, Somalia, Mozambique, and Comoros.

2. Discrimination, encompassing restrictions on religious freedom and a lack of protection for victims of physical attacks, is present in 33 countries with approximately 853 million people. In 13 of these countries, the situation has worsened.

3. There are disturbing factors in individual countries that could lead to serious violations of religious freedom<sup>1</sup>.

The concentration of power in the hands of autocrats and fundamentalist leaders has led to an increase in violations of all human rights, including the right to religious freedom. As L. Reardon (2019) says, "Whether an absolute monarch or a supreme authoritarian, religious, military, fascist, or communist leader, the autocrat builds legitimacy by controlling competing centres of power within the state."<sup>2</sup> The religious community is often one of these centres of power because of its ability to mobilise the civil society that the autocrat is seeking to control.

The most prominent examples of religious intolerance and persecution are in African countries. Jihadist networks in Africa (e.g., Mozambique, the Democratic Republic of the Congo) linked to al-Qaida and the Islamic State attack relatively unprotected rural areas to seize territory. They impose illegal taxes, leading to the emergence of a state within a state. Such attacks occur in both Muslim and Christian settlements, but it is more often Christians who are massacred. The attacks occur during Christian worship, and the killings are particularly brutal. As noted by clergy in Benue State, Nigeria, in some cases, victims are first shot and then their faces chopped off with machetes or other tools "so that God will not recognise them." Terrorists also target priests or nuns, kidnap or kill them, and set fire to churches and schools. One such attack can devastate an entire village, leaving surviving residents homeless and on the brink of poverty. They lose their sources of income, abandoning their fields and shops, and their children are denied education and medical care. As a result, the region loses its historic religious presence, and a new economic and political subsidised zone emerges, in need of all basic support.

According to the 2023 Religious Freedom in the World Report, Nigeria is in a dire situation of religious strife. It is home to over 200 million people and is expected to double in the next two decades. In 2022, Nigeria ranked sixth in the global terrorism index, behind

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<sup>1</sup> RAIU, C. (2024): Libertatea religioasă între politică și politici: O analiză politică a standardelor internaționale, legislației naționale și practicii guvernamentale în pandemie. Editura Universității din București-Bucharest University Press. ISBN: 9786066669993

<sup>2</sup> REARDON, L.C. (2019): Religious regulation in autocracies. Oxford Research Encyclopedias. ISBN: 9780190228637

Afghanistan, Iraq, Somalia, Burkina Faso, and Syria, and 143rd out of 163 countries in the global peace index. Christianity is the predominant religion (46.2 per cent), predominantly practiced in the south, while Islam (45.8 per cent) is predominantly practiced in the north, although this does not mean that there are no Christians in the north and vice versa. Politically and administratively, the Muslim north is more important, with almost 95 per cent of political and military power at the federal level being in Muslim hands. Twelve of Nigeria's 36 northern states have Sharia law, while the Christian south uses the penal code. Christian girls face problems such as kidnapping, rape, and forced marriages. Muslim men can marry Christian women, but Christian men cannot marry Muslim women. Christian religious instruction is forbidden in public schools, and Islamic teachers are ubiquitous. Christians have fewer job opportunities and promotions, fewer opportunities to hold public office, and a lack of access to social security.

Many Christian students are forced to change their names in order to access vocational courses<sup>1</sup>. Armed groups (Boko Haram, ISWAP, and Fulani militias) have been attacking Christian religious communities living in northern and middle Nigeria, which has led to massive internal displacement of Christians, resulting in entire regions being depopulated. A recent report from the Diocese of Makurdi in Benue State discusses the fact that in one year (2022) in the diocese alone, the Fulani attacked 93 villages and killed 325 farmers. Currently, out of nearly six million inhabitants, two million are IDPs, most of whom are Christian farmers.

The Report also notes an increase in violence committed by Islamist jihadists in the Sahel and Somalia. According to the 2023 study by the African Centre for Strategic Studies, this "represents 77 per cent of the total reported violent crimes in Africa in 2022".<sup>2</sup>

The number of civilian casualties rose from "4,307 in 2021 to 7,220 in 2022", an increase of 68 per cent. The flourishing of radicalisation and violent extremism in Southern Sahara Africa can be attributed to several social factors, including poverty, corruption, weak governance, illiteracy, youth unemployment, lack of access to resources, separatist movements and long-standing inter-communal conflicts between herders and farmers over land rights (exacerbated by the impact of climate change), which all combine to fuel conflict and support armed violence. Jihadist movements offer their solution to the problems through their ideology, economic opportunities (weapons and money) and the promise of an end to corruption.<sup>3</sup>

In Burkina Faso, jihadist groups control more than 40 per cent of the country, and the death toll is rising, some 3,600 in 2022 alone. This has forced more than 1.9 million people to flee their homes.<sup>4</sup>

Jihadist groups first attacked Mali in 2012, at which time they seized control of the north of the country. A new front has opened up in central Mali, accompanied by massive human rights abuses. Catholic clergy say armed groups near Mopti have banned alcohol and pork, and forced women of all faiths to wear headscarves. Christian communities near Dihi reported the imposition of Sharia law and the compulsion to study the Koran and Islamic prayers.<sup>5</sup> The

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<sup>1</sup> Nigeria at the crossroads, Aid to the Church in Need International. [online]. Available at: [https://kirche-in-not.ch/files/2023/News\\_02-2023/20230223\\_-\\_Fastenkampagne\\_Nigeria/Dossier\\_Country\\_Report\\_2023\\_Nigeria\\_FINAL\\_baja.pdf](https://kirche-in-not.ch/files/2023/News_02-2023/20230223_-_Fastenkampagne_Nigeria/Dossier_Country_Report_2023_Nigeria_FINAL_baja.pdf) [Accessed 3 July 2024]

<sup>2</sup> Fatalities from Militant Islamist Violence in Africa Surge by Nearly 50 Percent. Africa Center for Strategic Studies (a think tank of the US Department of Defence), 6 February 2023. [online]. Available at: <https://africacenter.org/spotlight/fatalities-from-militant-islamist-violence-in-africa-surge-by-nearly-50-percent> [Accessed 3 July 2024]

<sup>3</sup> WANEP. The Current Dynamics and Challenges of Violent Extremism in Western Africa. West Africa Network for Peacebuilding, 2018. [online]. Available at: [www.caert.org/dz/Research/WANEP.pdf](http://www.caert.org/dz/Research/WANEP.pdf) [Accessed 3 July 2024].

<sup>4</sup> Burkina Faso: Horror-stricken after massacre. ACN International, 15 June 2021. [online]. Available at: <https://acninternational.org/burkina-faso-horror-stricken-after-massacre> [Accessed 3 January 2023]

<sup>5</sup> US State Dept., "Mali", 2021 Report on International Religious Freedom, 2 June 2022. [online]. Available at: <https://www.state.gov/reports/2021-report-on-international-religious-freedom/mali> [Accessed 5 July 2024]

Lake Chad Basin, at the intersection of Nigeria, Cameroon, Chad, and Niger, remains the third-most deadly region in Africa, "including 20 per cent of all deaths linked to Islamist militants." Boko Haram and ISIS jihadists continue to target military and civilians, forcing more than a million people from their homes, while food shortages following missed harvests have affected more than 5.3 million people.<sup>1</sup> Northern Cameroon has also been attacked by Boko Haram and ISIS, with the Christian community particularly affected. The jihadists abduct "large numbers of citizens, including Christian women and girls, sexually abuse them, and force them to marry Muslim men."<sup>2</sup>

Niger was also affected by attacks by jihadist groups linked to Al-Qaida and the Islamic State, as well as Boko Haram from Nigeria. Violent crime increased by 43 per cent in 2022. Along the borders with Nigeria, Burkina Faso, Mali, and Libya, food supplies have become problematic. This is due to the displacement of large populations. In Somalia, al-Shabab controls large swathes of territory, imposing its interpretation of Islam and Sharia law on Muslims and non-Muslims alike. This includes a ban on all forms of media, entertainment, smoking, and any behaviour considered un-Islamic, such as shaving the beard. The small number of non-Muslim believers are mostly Christian converts from Islam. Conversion is seen as treason against family and society; a person even suspected of conversion may face harassment, threats, or even murder.<sup>3</sup>

There has been an increase in attacks in Mozambique by ISIS-aligned insurgents, a group called Alhu Sunna wa Jama, known locally as al-Shabab (no relation to al-Shabab in Somalia, affiliated with al-Qaeda) and internationally known as IS-Moz. According to a report by the International Institute for Strategic Studies, IS-Moz has "at least 1,000 fighters" attempting to take over Cabo Delgado to establish an "Islamist regime".<sup>4</sup>

In 2022, violent attacks against both Christian and Muslim civilians increased by 29 per cent. Militant killings, abductions, looting and destruction of property accounted for 66 per cent of all violent crimes and displaced more than one million people.<sup>5</sup> The situation in the Great Lakes region on the borders of Rwanda, the Democratic Republic of the Congo and Uganda is characterised by competition for mineral resources, resulting in violence and numerous human rights violations. Some 120-armed groups are active in the region, especially in the north and east of the country. Jihadists (ADF - ISIL's affiliate in Africa) terrorise the population and oppose religious leaders, threaten Christian populations and attack churches. Between April and June 2022, the UN recorded nearly 1,000 civilian casualties and 700,000 internally displaced persons.<sup>6</sup>

The conflict in Ethiopia's northern Tigray region is not religiously motivated, but Eritrean and Ethiopian troops have attacked both churches and mosques. Violence against religious communities included an attack on Muslims during the funeral of a prominent local sheikh in Gondar in April 2022. Perhaps the worst manifestation of the conflict was the killing of some

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<sup>1</sup> Chad Humanitarian Response Plan 2022 (March 2022), OCHA, 14 Mar 2022. [online]. Available at: <https://reliefweb.int/report/chad/tchad-plan-de-rponse-humanitaire-2022-mars-2022> [Accessed 1 July 2024]

<sup>2</sup> 2021 Report on International Religious Freedom: Cameroon. US Department of State, 2 June 2022. [online]. Available at: <https://www.state.gov/reports/2021-report-on-international-religious-freedom/cameroon> [Accessed 2 July 2024]

<sup>3</sup> ACI Africa, Inside Christianity in Somalia Where Most Catholics are Foreign Nationals, 2nd July 2021. [online]. Available at: <https://www.aciafrica.org/news/3785/inside-christianity-in-somalia-where-most-catholics-are-foreign-nationals> [Accessed 3 July 2024]

<sup>4</sup> The Islamist insurgency in Mozambique, International Institute for Strategic Studies (IISS), August 2021. [online]. Available at: <https://www.iiss.org/publications/strategic-comments/2021/the-islamist-insurgency-in-mozambique> [Accessed 4 July 2024]

<sup>5</sup> UNICEF Mozambique Humanitarian Situation Report No. 12, (End Year) Jan - Dec 2022. UNICEF, 3 February 2023. [online]. Available at: <https://reliefweb.int/report/mozambique/unicef-mozambique-humanitarian-situation-report-no-12-end-year-jan-dec-2022> [Accessed 2 July 2024]

<sup>6</sup> UN: Well-Armed M23 Rebels Resurgent in DRC. VOA, 29 June 2022. [online]. Available at: <https://www.voanews.com/a/un-well-armed-m23-rebels-resurgent-in-drc/6638775.html> [Accessed 5 July 2024]

800 people at the Church of Our Lady, Mary of Zion in Axum.<sup>1</sup> In the case of Eritrea, the regime controlled by unelected President Isaias Afwerki emphasises "martyrdom for the nation" and encourages citizens to live by these principles. It is a dictatorship in which most human rights, including religious freedom, are absent.<sup>2</sup>

In East and Southeast Asia, the countries on the Indian peninsula that also have the most severe restrictions on religious activity are China, India, Nepal, North Korea, Vietnam, and Myanmar.<sup>3</sup>

India, the largest democratic country with a population equivalently vast as China (1.4 billion), faces restrictions on religious freedom, especially for Christians and Muslims. The current "Foreign Exchange Act" restricts access to foreign funding for local religious organisations, which has led to the suspension of social assistance to the poorest. The ruling Bharatiya Janata Party (BJP) supports the country's Hindu identity and restricts the rights of citizens to change religious affiliation. Anti-conversion laws passed in several states, including Karnataka and Uttarakhand, continue to be used to repress religious minorities.<sup>4</sup>

Similar restrictions are seen in Nepal, which also enacts laws prohibiting proselytising and supports the Hindu national party, the Rastriya Prajatantra Party (RPP).<sup>5</sup> In North Korea, the Sonbun system categorises citizens according to their loyalty to the state, which entails "severe persecution" of religious believers.<sup>6</sup> In Vietnam, Hmong and Montagnard Christians are discriminated against. Christians in Laos are attacked by mobs and also face demands from authorities to renounce their faith. In Myanmar, a military coup on February 1, 2021, was accompanied by the destruction of at least 132 churches and other religious buildings. Restrictions on religious freedom have increased; there has been a significant increase in anti-Muslim aggression and violence, and the genocide of Rohingya continues. In Sri Lanka, Buddhist nationalist organisations have become increasingly large, extremist, and influential, posing a threat to the country's overall national identity.<sup>7</sup> In Thailand, despite many attempts at resolution, conflicts continue in the southern provinces over Islamic separatism.

Similar trends have been noted in other countries, including Austria, France, and the Scandinavian countries, where anti-Semitic attacks are also on the rise. Extremist Islam has been on the rise in Afghanistan since the Taliban seized power. Governments in neighbouring countries are tightening measures to combat radicalization. Uzbekistan has tightened controls on religious rhetoric. Measures have been introduced to install video cameras in places of worship, and state clerics have been appointed to monitor sermons. In Tajikistan, prosecution of persons suspected of belonging to banned Muslim extremist groups has been tightened, and the Criminal Code has been supplemented with articles for unauthorised religious education. In the Balkans, ethnicity and religion are often linked; in Bosnia and Herzegovina, most

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<sup>1</sup> Ethiopia: Eritrean troops' massacre of hundreds of Axum civilians may amount to crime against humanity. Amnesty International, 26 February 2021. [online]. Available at: <https://www.amnesty.org/en/latest/news/2021/02/ethiopia-eritrean-troops-massacre-of-hundreds-of-axum-civiliansmay-amount-to-crime-against-humanity> [Accessed 2 July 2024]

<sup>2</sup> BTI Transformation Index, Eritrea Country Report 2022. [online]. Available at: <https://bti-project.org/en/reports/country-report/ERI> [Accessed 3 July 2024]

<sup>3</sup> US Commission on International Religious Freedom (USCIRF), Annual Report 2022, China chapter. [online]. Available at: <https://www.uscifr.gov/annual-reports?country=36> [Accessed 6 July 2024]

<sup>4</sup> Human Rights Watch Submission to the Universal Periodic Review of India. Human Rights Watch, 31 March 2022. [online]. Available at: <https://www.hrw.org/news/2022/03/31/human-rights-watch-submission-universal-periodic-review-india> [Accessed 3 July 2024]

<sup>5</sup> 2021 Report on International Religious Freedom: Nepal, US Department of State. [online]. Available at: <https://www.state.gov/reports/2021-report-on-international-religious-freedom/nepal/> [Accessed 2 July 2024]

<sup>6</sup> HOLLAND, M. (2016): Religious Persecution in North Korea. In: Peterson Institute for International Economics. [online]. Available at: <https://www.piie.com/blogs/north-korea-witness-transformation/religious-persecution-north-korea> [Accessed 6 July 2024]

<sup>7</sup> THANGIAH, S. (2018): Study: New Buddhist Extremism and the Challenges to Ethno-Religious Coexistence in Sri Lanka. In: Minor matters. [online]. Available at: <https://www.minormatters.org/en/blog/studynew-buddhist-extremism-and-the-challenges-to-ethno-religiouscoexistence-in-sri-lanka> [Accessed 6 July 2024]

citizens identify themselves as Catholic Croats, Orthodox Serbs, or Muslim Bosniaks. In 2021, the European Commission handed down eight convictions and dealt with 70 hate speech complaints with 11 judgements, eight of which resulted in sentences. The Press and Online Media Council received 1,073 complaints of hate speech on social networks.<sup>1</sup>

In Cyprus, ethno-religious tensions are maintained through religious education: Greek Cypriot schools emphasise the Greek Orthodox tradition and Turkish schools emphasise the Sunni tradition.<sup>2</sup> Finland faced difficulties due to the unclear definition of the term "hate speech". In the years 2020-2021, 2,567 incidents on this topic were recorded, an outstanding statistic for a country with a population of just over 5.5 million.<sup>3</sup> Some of these cases raise questions about the freedom of religious expression on moral and cultural issues. The harassment of Finnish MP Päivi Räsänen for quoting the Bible was a prime example of such situations.<sup>4</sup> Abortion was an important topic of discussion. In Sweden, two midwives lost a case in the European Court of Human Rights after they were denied tenure because of their conscientious objections to abortion. In the UK, legislation on buffer zones around abortion clinics has been tightened, prohibiting peaceful protests, counselling on pavements or silent prayer.

The OSCE carefully records all cases of offences based on religious intolerance. The armed conflict in Ukraine did not terminate the Russian Federation's membership in the OSCE, but a decision by the Cabinet of Ministers of the Council of Europe revoked its status as a party to the European Convention on Human Rights. OSCE countries have witnessed incidents of hate speech, including attacks on individuals, threats on social media, and attacks on religious buildings. Muslim women have been subjected to insults and violence because of their dress.<sup>5</sup>

### **Conclusions:**

Based on a review of the current situation regarding violations of religious freedom and tolerance, it is possible to note the main trends. Globally, the maintenance and consolidation of power in the hands of autocrats and fundamentalist leaders has led to an increase in violations of all human rights, including religious freedom. Various factors, such as terrorist attacks and destruction of religious symbols (Turkey, Syria), selective manipulation (Nigeria, Iraq), mass surveillance (China), anti-conversion laws, and financial restrictions (Southeast Asia and the Middle East), have increased the oppression of religious communities.

Terrorist networks in Africa have moved from seizing territory to creating isolated communities in rural areas with mineral resources, using illegal taxes and trade to form parallel power structures. Insecurity and a lack of government control led to rebellions and military coups (two in Mali and one in Burkina Faso).

Polar trends within Muslim societies: disenfranchised, impoverished, and disillusioned youth are increasingly attracted to Islamist terrorist and criminal networks (Africa), while at the same time, recent polls, especially in Iran, have shown that an increasing number of Muslims identify themselves as "not religious."

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<sup>1</sup> European Commission. Commission Staff Working Document: Bosnia and Herzegovina 2022 Report, 12th October 2022, SWD(2022) 336 final pp. 32-34. (173-174). [online]. Available at: [https://neighbourhood-enlargement.ec.europa.eu/bosnia-and-herzegovina-report-2022\\_en](https://neighbourhood-enlargement.ec.europa.eu/bosnia-and-herzegovina-report-2022_en) [Accessed 6 July 2024]

<sup>2</sup> LATIF, D. (2022): Dilemmas of Religious Education, Freedom of Religion and Education in Cyprus. In: Religions, vol. 13 no p. 96. ISSN: 2077-1444

<sup>3</sup> Office for Democratic Institutions and Human Rights. Hate Crime Reporting – Finland. Organization for Security and Co-operation in Europe. [online]. Available at: <https://hatecrime.osce.org/finland> [Accessed 2 July 2024]

<sup>4</sup> Euronews. Finland's Former Interior Minister Acquitted of Inciting Anti-LGBT Hate Speech, 30 March 2022. [online]. Available at: <https://www.euronews.com/2022/03/30/finland-s-former-interior-minister-acquitted-of-inciting-anti-lgbt-hate-speech> [Accessed 1 July 2024]

<sup>5</sup> OSCE. Compendere i crimini d'odio contro i musulmani. [online]. Available at: <https://www.osce.org/files/f/documents/b/9/495232.pdf> [Accessed 1 July 2024]

Persecution of Muslims has increased, including by other Muslims. China continues to persecute Uighurs; Muslims in India and Myanmar face discrimination and harassment. Cases of internal persecution between Sunnis and Shiites (Hazaras in Afghanistan), between national and "foreign" Islamic interpretations, and between dominant and so-called "deviant" forms of Islam (Ahmadis in Pakistan) are more frequent.

There has been an increase in aggression against the Jewish community in Western countries following the quarantine measures associated with COVID-19. The number of anti-Semitic crimes reported in OSCE countries increased from 582 in 2019 to 1,367 in 2021.

Kidnappings and sexual violence, including sexual enslavement and forced religious conversion, continued with continued vigour and went largely unpunished (West Africa, Pakistan). Poverty and increased armed conflict fueled kidnapping and trafficking. In dozens of countries, women and girls from religious minorities were particularly affected by this form of violence.

In some cases, religious communities, to maintain their political, religious, and social status, have overestimated the number of believers by providing false religious data in official child registration or by postponing the census indefinitely (Lebanon, India, Malaysia).

Increased scrutiny, including mass surveillance, has affected religious groups. In the West, social media has been used to marginalise and persecute religious groups.

In the West, a 'culture of cancellation', including 'forced speech', can threaten the loss of employment opportunities for people who hold different views for religious reasons.

Legislation making it more difficult or even outright prohibited to change religion (from majority to minority) is proliferating, and reconversion initiatives offering economic benefits to those who join or return to the majority religion are being supported (Asia, North Africa).

Attacks on religious leaders and Church personnel in Latin America by organised criminal groups have increased. Religious leaders who defend migrants and disadvantaged communities have been subjected to harassment, including kidnapping and murder.

Religious associations have always been the subject of discussions and questions, especially in the context of their influence on society and politics. It is important to note that despite common good intentions, there are often disagreements and even conflicts between religious denominations, which raises the question of the essence and purpose of religion in modern society.

Contemporary religion and its interaction with society is a complex and evolving dynamic that requires in-depth analysis and understanding on the part of both the academic community and society at large.

There is a long debate about why religious organisations are subject to political power and the motives behind their actions. Historical examples show that changes in the political environment are often reflected in the positions of churches and other religious organisations, which may indicate their instability and dependence on external factors.

One of the key topics is the issue of religious freedom, which is guaranteed by the state but not always respected by the church. There is criticism of restrictions and the imposition of faith by religious institutions, which raises the question of the role and influence of the church on the freedom of personal choice and self-expression.

All of these issues and arguments highlight the complex dynamics of the relationship between religion and the state. They also highlight the need to critically analyse and understand the role of religion in contemporary society and to seek a balance between religious attitudes and the safeguarding of freedom and human rights.

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<https://doi.org/10.61753/1857-1999/2345-1963/2023.19-2.12>

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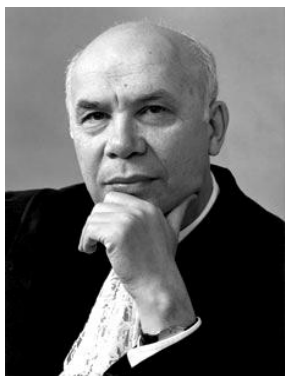
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**RUBRICA REVISTEI  
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О НАШЕМ ЖУРНАЛЕ**

**CERINȚELE**

**privind condițiile de prezentare a manuscriselor pentru publicare în  
„Revista Moldovenească de Drept Internațional și Relații Internaționale”**

Revista teoretico-științifică „Revista Moldovenească de Drept Internațional și Relații Internaționale” acceptă pentru publicare articole în limbile moldovenească (română), rusă, engleză, spaniolă, franceză, germană (la discreția autorului), care conțin rezultate inedite ale cercetărilor efectuate și care sunt ajustate la „Cerințele privind condițiile de prezentare a manuscriselor articolelor”.

Consiliul Redacțional acceptă manuscrisul articolului pentru publicare în corespundere cu profilurile ediției („drept” și „științe politice”), cu un volum nu mai mult de 20 de pagini, inclusiv figuri și tabele. Manuscrisul ar trebui să conțină doar materiale originale, efectuat la un înalt nivel științific, reflectând rezultatele cercetării efectuate de către autor, obținute cu cel mult un an înainte de publicare, și care conține un element clar privitor la inovația științifică a cercetării și propria contribuție a autorului. Sunt acceptate pentru publicare materialele care anterior nu au fost publicate în alte ediții și nu au fost destinate pentru publicarea simultană în diverse ediții. Articolele sunt expuse recenzării obligatorii, în conformitate cu *Anexa 3*. Pentru doctoranzi (competitori) este obligatorie recenzarea articolelor de către conducătorul științific. Pot fi publicate doar articolele care au primit recenzii pozitive.

Cerințele menționate mai sus se aplică tuturor materialelor trimise pentru publicare în adresa revistei. Consiliul Redacțional are dreptul de a nu accepta publicarea materialelor în caz de: a) nerespectarea cerințele privind condițiile de prezentare a manuscriselor articolelor; b) plagiat; c) conținutul articolului este neadecvat cu profilurile revistei.

În cazurile când nu sunt respectate cerințele redacția are dreptul să nu examineze manuscrisul. Consiliul Redacțional își rezervă dreptul de a reduce volumul articolului prezentat (dacă este necesar), expunându-l în versiunea redacției (introducând modificări redacționale, care nu schimbă sensul general al articolului prezentat de autor). Formulările și prezentarea materialelor în articolele publicate nu reprezintă întotdeauna poziția revistei și nu angajează în nici un fel redacția. Aceste materiale se publică în ordine de discuție, în scopul asigurării posibilității de a expune diverse opinii. Responsabilitatea asupra conținutului articolelor, selecției și preciziei faptelor și informației citate revine în exclusivitate autorilor. În același număr al revistei poate fi publicat doar un singur articol al unui autor.

Numărul de autori al unui articol nu poate fi mai mare de două persoane. Autorul (ii) trimite redacției 2 exemplare originale a articolului (semnate de autor) în imprimare pe hârtie și trimite articolul în format electronic prin e-mail la adresa: [alexandruburian@yahoo.com](mailto:alexandruburian@yahoo.com), [alexandruburian@mail.ru](mailto:alexandruburian@mail.ru)

Volumul articolului nu trebuie să depășească 1,5 c.a. dactilografiate pe hârtie, format A4 (60 de mii de caractere, sau 16-20 de pagini de text), inclusiv figuri, tablițe, referințe și scheme. Atunci când se plasează referințe bibliografice în limba engleză este necesar de indicat denumirea oficială a surselor (revistelor) în limba engleză.

Pentru a plasa un articol în Revistă este necesar de prezentat următoarele documente: cerere, informațiile despre autor (ia), articolul, fotografia autorului (autorilor) în format JPG, adnotare (abstract, rezumat) în trei limbi (română, rusă și engleză) într-un volum de 100 de cuvinte, cuvinte-cheie (5-7 cuvinte). Adnotarea nu trebuie să conțină referiri la literatura citată, tabele și figuri.

Informația despre autor (i) conține următoarele date: numele, prenumele, patronimicul autorului (autorilor), locul de muncă, funcția, titlul științific, gradul științific, adresa poștală, adresa electronică și numărul de telefon. Numele autorului (autorilor) ar trebui să fie listate sub titlul articolului, în dreapta.

**Cerințele tehnice pentru perfectarea manuscrisul pentru publicare:**

Titlul articolului nu trebuie să depășească trei linii. Titlul ar trebui să fi dat numai cu majuscule (Times New Roman 16) și centrat. Sursele literare utilizate în articol trebuie prezentate într-o singură listă la sfârșitul textului (bibliografie), în conformitate cu **Anexa 2**. Referirile la literatura de specialitate menționate în text sunt obligatorii, trebuie să fie plasate în partea de jos a fiecărei pagini a textului și necesită să fie perfectate în conformitate cu **Anexa 1**. Referirile la sursele externe sunt prezentate într-o limbă străină și sunt urmate, în cazul traducerii în română și rusă, cu indicație privitor la traducere. Numerotarea referirilor la sursele literare este dată în ordinea menționată în text. Trimiteri la lucrări nepublicate nu sunt permise. Lista bibliografică (de la sfârșitul textului) este dată în ordine alfabetică în funcție de prima literă a prenumelui autorului (autorilor).

Acronimele și abrevierile trebuie să fie descifrate la prima mențiune în textul articolului. În textele în limba română, engleză, franceză, spaniolă și germană se utilizează ghilimele germane („”), în textele în limba rusă se utilizează ghilimelele franceze (« »).

**Parametrii paginii:**

Documentul trebuie salvat în MS Word, formatul de pagină A 4, marginile paginii: sus și jos - 2 cm, dreapta - 1,5 cm, stânga - 3 cm, Font - Times New Roman; Dimensiune font - 12, spațiere - 1,5. Aliniere pe lățime, un spațiu la stânga - 1,5. Numerotarea paginilor este consecutivă, secvențială, în partea de jos a paginii, pe centru.

**Redactarea textului:**

Despărțirea manuală în silabe a cuvintelor (transferul din rând în rând) este inacceptabilă. Figurile și tabelele trebuie să fie numerotate, să aibă denumire, legendă și subiect. Titlurile lor și trebuie să fie prezentate în text după alineatul care conține un link de referință la ele.

**Exemplarele autorului:**

Fiecare autor al articolului obține doar un număr al revistei, indiferent de numărul de autori.

*Consiliul Redacțional**Anexa 1***Exemple de referințe bibliografice:**

Referințele (citatele) de la sfârșitul fiecărei pagini trebuie să conțină semnele de punctuație și să urmeze aceleași reguli ca și plasarea lor în descrierea bibliografică.

Dacă textul nu este citat de o sursă originală, dar de un alt document, atunci se utilizează următoarele cuvinte la început de referință: citat de: (citând sursele împrumutate):

Exemplu:	Citat de: Dumitru Mazilu. Drept diplomatic. București: Editura Lumina Lex, 2003, p. 115. Citat de: Alexandru Burian. Drept diplomatic și consular. Chișinău: Editura ARC, 2003, p. 154.
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La amenajarea secvențială a referințelor (citatelor) primare și repetate se utilizează termenul "Ibid." sau ("Ibidem"):

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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### Descrierea unui articol publicat într-o revistă:

Este necesar de a indica numele autorului articolului, denumirea articolului, denumirea revistei, anul, numărul ediției sau volumul, numărul paginii de la începutul și sfârșitul articolului.

Exemplu	Serghei 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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### Descrierea unei teze de doctorat:

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]: <a href="http://www.rmdir.md/pdf/RMDIRI20114.p.df/">http://www.rmdir.md/pdf/RMDIRI20114.p.df/</a> . (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, recenziile 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](mailto:alexandruburian@yahoo.com) , [alexandruburian@mail.ru](mailto: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 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]: <a href="http://www.pinr.com/">http://www.pinr.com/</a> . (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:

*1<sup>st</sup> level* – reviewing by the editor (main editor peer review);

*2<sup>nd</sup> level* – an open peer review (the author and the reviewer know each other) – a review is submitted to the editor by the author;

*3<sup>rd</sup> level* - one-sided i.e. „blind” peer review (single-blind - the reviewer knows the author, but the author - doesn't know the reviewer);

*4<sup>th</sup> level* – double-blind peer review (neither reviewer nor author know about each other).

2. Each scientific article must be accompanied by a review:

– Open: 1<sup>st</sup> level – a review (conclusion) of the editor; 2<sup>nd</sup> level – a review of official reviewer, specialist of appropriate scientific profile (doctorate or PhD);

– Closed (blind): 3<sup>rd</sup> level – a review done by a scientific editor or a member of the editorial board; 4<sup>th</sup> 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, заверенных 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; с) 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: [alexandrurburian@yahoo.com](mailto:alexandrurburian@yahoo.com) , [alexandrurburian@mail.ru](mailto:alexandrurburian@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):

<i>Первичная</i>	Жинкина Ю.В. Стратегия безопасности России: проблемы формирования понятийного аппарата. М.: Российский научный фонд, 1995, с. 87.
<i>Повторная</i>	Жинкина Ю.В. Указ. соч., с. 67. или Жинкина Ю.В. <i>Op. cit.</i> , 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]: <a href="http://www.wpru.ru/?p=2591">http://www.wpru.ru/?p=2591</a> . (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<sup>й</sup> уровень* — рецензирование главным редактором (main editor peer review);

*2<sup>й</sup> уровень* — открытое рецензирование (open peer review — автор и рецензент знают друг о друге) - рецензия, представленная в редакцию автором;

*3<sup>й</sup> уровень* — одностороннее «слепое» рецензирование (single-blind — рецензент знает об авторе, автор — нет);

*4<sup>й</sup> уровень* — двухстороннее «слепое» рецензирование (double-blind — оба не знают друг о друге).

2. Каждая научная статья должна иметь рецензии:

– открытые: 1<sup>й</sup> уровень — рецензия (заключение) главного редактора; 2<sup>й</sup> уровень официального рецензента – специалиста соответствующего научного профиля (доктора или кандидата наук);

– закрытые (слепые): 3<sup>й</sup> уровень — научным редактором или одним из членов редколлегии; 4<sup>й</sup> 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  
О НАШЕМ 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](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, recenzenti, 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.

**Cititor** — orice persoană care a făcut cunoștință cu materialul publicat.

**Plagiat** — atribuție intenționată a dreptului de autor a unei alte opere de artă sau știință, idei sau invenții ale altor oameni. Plagiatul 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 recenzenti 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 consiliului 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](http://elibrary.ru)) în acces liber.

*Consiliul Redacțional*

**RUBRICA REVISTEI  
OUR JOURNAL  
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**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](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](http://elibrary.ru)).

***The Editorial Board***

**RUBRICA REVISTEI  
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**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](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.

**Плагиат** — умышленное присвоение авторства чужого произведения науки или искусства, чужих идей или изобретений. Плагиат 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.

*Редакционный совет*

**REVISTA MOLDOVENEASCĂ  
DE DREPT INTERNAȚIONAL  
ȘI RELAȚII INTERNAȚIONALE**

**MOLDAVIAN JOURNAL  
OF INTERNATIONAL LAW  
AND INTERNATIONAL RELATIONS**

**МОЛДАВСКИЙ ЖУРНАЛ  
МЕЖДУНАРОДНОГО ПРАВА  
И МЕЖДУНАРОДНЫХ ОТНОШЕНИЙ**

**Nr. 2 (Volumul 19), 2024**

**ISSN 1857-1999  
E-ISSN 2345-1963**

[www.rmdir.md/](http://www.rmdir.md/)

<https://usem.md/md/revista-moldoveneasca-de-drept-international-si-relatii-internationale/>

Bun de tipar 13.07.2024.

Format A4

Coli de tipar 15,48. Coli editoriale 15,50.

Tipar *Digital*. Hârtie ofset. Garnitura *Times New Roman*

Comanda 02/12B/2024 Tirajul 300 ex.

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**TIPOGRAFIA CENTRALA I.S.**

Firma editorial-poligrafica.

Str. Florilor 1

MD-2068, mun. Chișinău, Republica Moldova

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