

First International Conference on EU and Black Sea Regions



***BLACK SEA: HISTORY, DIPLOMACY,
POLICIES AND STRATEGIES***

***Black Sea:
History, Diplomacy, Policies and Strategies***

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***Black Sea:
History, Diplomacy, Policies and Strategies***

Edited by:

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Foreword

This publication is a compilation of the keynote address and papers presented at the Conference on *EU and Black Sea Region: Challenges and Opportunities for a multilateral cooperation* supported by **CNCS – UEFISCDI** Project No. PNII – IDEI/ WE-PN-II-ID-WE-2011-06

The conference, held at the Christian University „Dimitrie Cantemir” Bucharest, Romania on May 3rd-5th, 2012 highlighted the main aspects of EU and Black Sea cooperation in history and actuality.

The topic of this conference holds particular importance today. Unfortunately, the end of the Cold War in 1989–1991 failed to bring universal peace. On the contrary, crises and conflicts have erupted all over the globe and in the Black Sea region also. International community and EU has had to assist many times to end wars, to stabilize countries, and to implement conditions that could serve as a basis for peace and cooperation in the future.

In our fast-moving times, past experience and lessons are quickly forgotten, and there are tendencies to reinvent the wheel. Examining the historical events, is not just of interest for historians; it also provides many vital tools for understanding the present and to building the future.

It is my pleasure and privilege to invite you to read this volume of papers presented at the International Conference on the EU and Black Sea Region.

Momcilo LUBURICI,
President of the *Dimitrie Cantemir Christian University*, Bucharest

HISTORICAL PERSPECTIVES FOR „THE EXTENDED REGION <BLACK SEA - CASPIAN SEA>”

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Abstract

Remembering the past turbulent history, but to account for this geopolitical challenging, integrative negotiations and joint projects are very useful. They may base a stable space “The extended region <Black Sea - Caspian Sea >” and Moscow that would give up a certain stubbornness limiting will have a role in these problems. We believe that the Black Sea region will be not only a strategic confrontation or safety between the old powers and between the major entities overall value, but a confluence area, the strategic unit. This can become a very important pillar of security and stability, which will depend largely, security, peace and sustainable development of the Eurasian space.

Keywords: *Black Sea, Caspian Sea, strategic interests of Romania*

I. BLACK SEA

Period following the Summit NATO in Istanbul is probably best suited for strategic repositioning of the U.S. study, and relevance of this process for the Black Sea. In this respect, it is imperative from the perspective of national security interests, analyzing the latest developments on this dimension.

Between the two NATO summits in Prague and Istanbul, there were several developments converged dynamics, whose relevance has not yet been fully evaluated. Clearly, the integration of Romania and Bulgaria into NATO, the Alliance border they move far from the Balkans to the Black Sea.

Today NATO is surrounded by three seas, expanding the area of security in the Mediterranean (South) Baltic Sea (the North) and Black Sea (east). Meanwhile, the Alliance has assumed a global security role, defining new policies and management challenges to its security in North Africa, Middle East, Caucasus and Central Asia.

We now discuss about the new missions and new partnerships: the Mediterranean Allied patrol ships to prevent and combat terrorist activities. In Istanbul, Allied discussed possible support the operations of the Russian Federation and Ukraine (as evident that slave power does not want intermediaries in establishing the conditions for cooperation with the Alliance)^[1].

NATO has engaged in new forms of partnership and the Caucasus. In Central Asia was involved in drug trafficking. In Iraq, train new Iraqi security forces, while ensuring necessary conditions for free elections in this country tried so hard.

At the same time, NATO countries consider new projects aimed at missile defense, transformation or development of national forces' network-based warfare.

NATO expansion and transformation are two interconnected processes aimed at enhancing capacity to respond to new security threats targeting. As Robert Cooper notes “Instead there is a zone of safety in Europe, and outside it a zone of danger and a zone of chaos.”^[2] Enlargement brought NATO closer to areas of instability at the borders of Europe. Emerging risks in these areas, the Mediterranean to the Black Sea and Central Asia have a direct impact on Alliance security and, in this sense, NATO decided to counter them by launching new operations, preventive measures and strategies design of security and democracy beyond Europe.

Black Sea region is a component in the equation of the enlargement and transformation of Alliance policies. In this context fall two major developments which we think we need to focus.

First, the obvious tendency to redefine the strategic areas in the process of repositioning due to new commitments of US and NATO forces and command structures are progressively moved south and eastern regions where they came almost new threats. The current NATO command arrangement accentuates this trend. In parallel, the U.S. global posture review aimed at establishing military bases currently on the Black Sea.

Second, new security threats require a new type of operations for armed forces to carry the war while making efforts for peace and fighting terrorism while conducting stabilization and reconstruction missions. The current defense systems must become more extensive in their role: terrorism, weapons proliferation and organized crime require multidimensional responses and defining new tasks for the Alliance, the administration and institution building, information exchange and to support efforts to ensure border security and security in the maritime area. Because these new tasks to be performed requires new ways of planning in advance of operations to respond rapidly to crisis situations and rapid deployment of advanced bases in areas of instability.

In view of rapid developments in international security dynamics and the increasing an asymmetric threat is evident not only the need for such processes, but also the urgency with which they have developed. It should be noted that, based on decisions in Istanbul, NATO has focused its efforts and to strengthen their involvement in Afghanistan and Iraq, therefore, Member States are called upon to contribute to NATO's new roles in the theater of operations. Therefore, the transformation of defense systems and stations will be significantly faster to respond adequately to the new major requirements both in NATO and the U.S. and to create the grounds relocate military bases to build capacity and support design forces operating in their new tasks.

These two developments have a direct relevance to the Black Sea region. As we notice now, geostrategic concepts we use symbols include new security policy: talk now about the Middle East region about the expanded Black Sea or the Eurasian energy corridor (you can call, without being afraid that reach aphelion of truth, as true “rays of light”).

Is useful to consider the detailed analysis of these representations of real political significance. Current international developments require new thinking and strategic repositioning within NATO, as in the capitals of the Allied and partner

countries to provide a clear view of what is how to defend against current threats to security.

Black Sea region is at the junction between Europe, Asia and the Middle East. Undoubtedly, such connecting transportation systems and infrastructure in the Caucasus to Central and Western Europe, while ensuring access to the Lower Danube crossing Central Europe and Balkans. Black Sea and provides connections with the Caspian and Azov seas and the Crimean Peninsula. In this respect, the region is a central component of development plans and securing energy routes from Central Asia and Caspian to Europe. Energy corridors can bring sustainable prosperity and Black Sea area will be to ensure that we support them and protect them in the future.

In the first half of last century, George Brătianu said: “the circumstances of international travel to the Middle East and Far East, which is really the Black Sea at that time < the turntable > and sort ordering station, directly affects all European economy”^[3]. Brătianu also remarked: “If the Black Sea was a real crossroads of civilizations and merchant”, the region played a crucial role for “invasions and wars”^[4]. In fact, these two dimensions is based on its geostrategic value, both to channel Eurasian economic cooperation and to protect Europe risks of instability adjacent areas.

The same bright idea that only acoustic historic neighbor who has not claimed anything from the Romanian Black Sea was. And today we cannot allow ourselves to get infected victims of abrahiocefaliei safe.

On a military defense against such risks and threats include date, infrastructure and training facilities located on the Black Sea coast for rapid deployment of forces in distant theaters. Furthermore, surveillance and early warning can provide information to prevent terrorist activities. From a historical perspective, the Black Sea at the gates of Europe was a way to import instability: and Romanian space was certainly a true Cushion where the stick needles of History. Expanded vision of a region (Romanian perspective necessary) Black Sea is part of strategic repositioning complex effort which we referred earlier.

II. CASPIAN SEA

In the 90's, defining the existence of a new arc of crisis in the Mediterranean to the Middle East, Caucasus and Central Asia. Currently, efforts are to transform the Alliance into a bridge arch defense. NATO ships are patrolling the Mediterranean, where the U.S. fleet deployed forces maintained a permanent basis and the Cold War. US led multinational coalition in Iraq contributed by 16 NATO allies and set up forward bases in Central Asia and to support actions in Afghanistan.

Operations in those areas that may appear headless can be strengthened by future and much needed cooperation with Russia, Ukraine and other countries of the Southern partner.

Witnessing arguably throughout this geographical arc a gradual transformation in the Black Sea can be seen as the last piece of the puzzle.

Repositioning US bases in the region can close the spring defensive and create prerequisites for promoting security and stability outside Europe.

The importance of this approach was revealed by lightning campaign of Russia in Georgia (August 2008) situation in the West seemed frozen.

"Experts" Russia and the West compete in the blame Saakashvili that Russian aggression responded, ignoring the fact that Russian troops were illegally (above) the separatist regions, supporting military and political separatist regimes. Moreover, the West overlooks the ethnic cleansing executed by Russian troops, with tacit support of Russian troops in South Ossetia during the war. In 1999, NATO began a war against Serbia to stop ethnic cleansing under the pretext of Kosovo; the West Georgia ignored the atrocities committed against the Georgian population of South Ossetia. On August 22, 2008, Znaur Gasiev, parliamentary leader of the so-called Republic of South Ossetia, said the newspaper "Komsomolskaya Pravda" that Ossetia's Georgians burned all the houses of the Georgian enclaves of South Ossetia, because they do not ever come back home, and after War Georgian villages were leveled with the tractor. Now the height of hypocrisy, Russia and South Ossetia accuses Georgia of "genocide", and the West was silent.

Relations between Russia and Georgia are cold, the five-day war between the two ex-Soviet countries.

Georgian forces attacked South Ossetia republic after Russia recognized the independence, but also that of Abkhazia. Georgia believes that the two regions are part of its sovereign territory.

This expansion could focus on two dimensions: the use of the South East and Black Sea region as a platform for projecting stability in remote areas of the world, on the one hand, and on the other, to create a presence of deterrence in a space that is virtually surrounded by areas of instability.

Discussions on a possible US military presence in Romania extend to developments in the transformation of forces and reconfiguration of defense systems. It is a completely different from that which we used during the Cold War. We do not need the massive territorial structure and increase investment in military bases to provide significant capacity to participate in conventional wars.

The changing world geopolitical scene a reality must be given special attention. Change the strategic concept of NATO, the conflict in former Yugoslavia, extension and conversion / adaptation of NATO, warming relations between Washington and Moscow, amid international campaign against terrorism and other shows that world is in the process of reconstruction and resettlement on a new basis of relations between states, a process which, as already shown, is accompanied by many difficulties and risks.

International relations and security environment marked irreversible terrorist attacks on U.S. global geopolitical scene changed, increasing its unpredictable nature, and have led to increased existing sources of instability and the emergence of a new type others.

Overlap with the trend of globalization and regionalization process and especially the rise of non-state actors will determine the manifestation of a wide range of risks and asymmetric threats.

Against this background, the risk of large-scale military confrontation will be reduced but will increase and will diversify the risks of political, economic, military, its social, regional, and local area. This trend will lead to clash of interests of major actors on the world geopolitical scene will affect wide areas and, as history has demonstrated countless times, the evolution of the states at the intersection of these interests (acculturation cannot be stopped in any sense).

Changing security environment is a direct consequence of the fall of communism and the Soviet Union collapsed, but the subtle control access to oil exploitation in the Caspian basin. Despite great internal problems, the Russian Federation will continue to play an important role in restructuring this area, which will have the greatest potential future conflict in the former Soviet Union.

Given the democratic exercise, limited in duration, the new independent states, amid increasing crime of growing societies and social tensions are likely, in some countries in the area, to generalize authoritarian leadership, with clear negative consequences regional security.

Involving U.S. and its allies in the "near abroad" of Russia, considered by the Kremlin leadership, as of vital interest to national security, the presence in these countries has more than 24 million Russians, Chinese interests and those of Ponto-Caspian Iran in space, the rapid changes occurring in relations between countries, due to the need to find support for the realization of national interests, are all factors that will maintain a high instability in the geopolitical space.

In this context, Caspian oil stake, although it will help improve the socioeconomic status of countries, will be at the same time, and power amplification of interstate disputes, particularly since the implementation of "Eurasian economic pass" will fail to thank all stakeholders in the area.

The existence of economic, social, political, ethnic and religious states occurs in this space, plus the possible widening of disputes between them, shows a bleak picture of the future.

Ponto-Caspian area is currently faced with complex challenges, in which terrorism, political extremism, nationalism, and drug and arms trafficking, illegal migration, organized crime, the danger of civil war and the future will be a major threat to stability of all countries in the region while contributing to increased state of conflict both internally and inter-country relations.

And do not forget that the terrorist threat remains high, and running international campaign to counter it will certainly exacerbate disputes between some countries in the Ponto-Caspian and in the neighborhood.

Closely related to the Caspian, the Black Sea area is a major complement the "huge Eurasian chessboard."

For Romania, the Black Sea is more than merely reporting the geographical space. Geopolitical meaning of this position is highlighted by the fact that Romania belongs to the Ponto-Caspian area organic.

In a world of global processes, the Black Sea has played and will play a major role in future history of Europe, in which all the trump cards has become wide convergence and harmonization of political trends emerged after 1991.

Beyond the official rhetoric of Bucharest, Romania's strategic value was observed and US President George Bush, during his historic visit to our capital,

somewhat foreshadowing the role that the United States is back Romania, said in his speech in University Square, "You Can help our Alliance to extend the hand of Cooperation across the Black Sea"^[5].

In this context, it is clear that placing the region in the immediate vicinity of NATO (and EU), and the broader Middle East, view the location of US military facilities on Romanian and Bulgarian coast of Black Sea, or the accumulation of unsolved problems Europe (frozen conflicts, cross-border crime, democratic deficits), but the presence of significant energy resources of interest to US and European countries, increase the strategic value of the Romanian Black Sea Euro-Atlantic community. Within NATO, Romania, like Bulgaria and Turkey, the first theme promoted in the Black Sea in preparations for NATO Summit in Istanbul, said. Thus, the importance for the Euro-Atlantic region and the availability of NATO to develop a role in the region, complementary regional initiatives, and dedication found in the summit communiqué.

However, despite some definite pluses, Romania is not yet the means to enable a realization of his position. All official rhetoric riding on topics already "turned on all parties" and which are largely depleted from the 90's. Any attempt of Romania to overcome the voice level status and real possibilities will result in loss of credibility and failure from the start of any initiative. Experience Romania's participation in a series of regional cooperation schemes, trilateral, quadrilateral (in the 90's was a real inflation of such initiatives) show that there were no benefits or no influence on the extent of economic ideas.

Of geopolitical Romania cannot have a well defined position because its economic potential and military simply does not allow. To this is added the difference of interest even with some riparian NATO allies, especially the fact that any strategy to build a normal relationship with Ukraine has been a constant failure.

III. ROMANIA'S INTERESTS

Romania has a crucial role in securing the eastern border of NATO and the EU. She took a vocation and a long term commitment. Romania aims to become a vector of stability, democracy and Euro-Atlantic values to the Black Sea region as well as for the Western Balkans, and an anchor of these regions to the West. Romania takes a long term commitment to invest in the extension of democracy, market economy, the values that characterizes an open society as far to the east.

As stated in National Security Strategy to promote this initiative, Romania will cooperate closely with the Black Sea countries - Bulgaria, Georgia, Russian Federation, Turkey and Ukraine - with other countries in close proximity, and other states of the Euro-Atlantic community. Same time, Romania will actively support the establishment, in this space, development of a Euroregion able to facilitate cooperation with EU Member States, to stimulate energy and transport infrastructure, promote trade, investment and market economy mechanisms.

Moreover, the governance program 2009 - 2012, states that the Black Sea main objective is to create long term, an area of stability, security, prosperity and democracy, functionally connected and benefit from European processes and global.

As regards the frozen conflicts, Romania will promote active political and diplomatic strategies and more effectively involved in the mechanisms aimed at their resolution through peaceful means. Ineffectiveness of some of the mechanisms used to date to resolve conflicts should they be revisited and the need for more active involvement of states and organizations that can make a positive contribution to this end.

To Moldova, Romania will promote a relationship based on maximum openness, unconditional cooperation oriented towards strengthening the special relationship between permanent Bucharest and Chisinau. The main objectives of the Romanian foreign policy in relation to the Republic of Moldova are: supporting the integration of Moldova into the EU on European democratic principles, encouraging Romanian investments, including the establishment of a guarantee fund for the Romanian investors, supporting the involvement and presence of a consistent EU the political settlement of the Transnistrian conflict, respecting the sovereignty and territorial integrity of Moldova, involvement in development assistance.

In the relationship with the Russian Federation, Romania aims at developing a dialogue in which they first pragmatism and good cooperation in economic terms. Romania's political will is to play a constructive role in EU-Russia relations, including the reconfiguration of the EU-Russia framework contract.

Also, in view of the Romanian State, Central Asia should become an area of convergence and design in this regard is necessary to create bridges of cooperation Europe - Black Sea - Caspian Sea - Central Asia.

On energy issues should be emphasized that the Gulf is over 70% of the world's oil reserves. Saudi Arabia has 25% of the world, Iraq 10%, Caspian and Central Asia 7% and 5% Russian Federation. In the natural gas resources ranking is led by the Russian Federation with over 47,000 bcm, followed by Iran with 24,000 bcm, bcm 17,000 Qatar, Saudi Arabia and United Arab Emirates with 6,000 bcm each.

In this context, the Black Sea is the main transit area and a source of energy that is consumed in Europe, while forecasts foresee a substantial increase its share in the coming decades. Access to these resources requires the development of infrastructure to meet several conditions: as short distance from source to end user, the transport capacity of the pipeline, as cheaper production costs, transport costs as low transit areas stable, port facilities and maritime and river transport etc. Europe currently imports about 50% of its energy through complicated routes that pass the Bosphorus and the English Channel. Since 2020 Europe will import 70% of outsiders. The Black Sea extended region dominate Euro-Asian energy corridor from oil and gas pipelines that cross Ukraine to European markets north to the Baku-Tbilisi-Ceyhan pipeline bound for the Mediterranean.

Energy security is part of national security and covers the following: security of energy sources, securing existing energy routes, identification of alternative energy routes, identification of alternative energy sources and environmental protection.

EU has faced in early 2009 with a real crisis, caused by divergences between Russia and Ukraine on gas prices, the crisis that lasted six days the gas supply was stopped completely. In January 2009, European countries were forced to recognize

that we must adopt a more offensive strategy. In terms of energy, Europe is still divided in two. Therefore, the EU intends to better connect east-west transport networks. Long-term European strategy emphasizes the need to invest in LNG terminals and underground storage, but also continue to diversify supply sources and infrastructure projects, avoiding Russia.

Europe in particular, promotes Nabucco, a pipeline with a length of 3,300 km that is to pass through Turkey, Bulgaria, Romania, Hungary and Austria reach. The project involved the initial cost of 250 million Euros, is then reduced to 200 million Euros to Europe and will carry 30 billion cubic meters of gas from the Caspian Sea, receiving the endorsement of the EU in 2003. But his progress was slow due to insufficient investment and natural gas supply sources. Thus, political issues pertaining to the recognition of genocide against Armenians in Turkey led to Ankara's opposition to participation in the project company *Gaz de France*. Another sensitive point is the signing of an agreement between the Austrian company OMV and Gazprom, which the Russian monopoly in possession of 50% of the terminal at Baumgartner, the terminus of Nabucco. The agreement was interpreted as a victory for Moscow's strategy to prevent the Nabucco project and use pipeline for Russian gas deliveries to Europe. Followed many obstacles that were put by Russia former Soviet republics of Central Asia, where Nabucco would be fed and thus remained the only reliable partner for a while, Azerbaijan. Recently Gazprom and state oil company of Azerbaijan signed a memorandum of understanding for long-term supply of Central Asian gas to Russia at market prices, undermining the EU's preference for Nabucco. Sale of Azeri gas to or through Russia would reduce the volumes available for other pipelines to Nabucco. Turkmenistan was attracted to Russia in building a gas pipeline connecting the fields to gasify in Turkmenistan (although a written agreement has not yet been signed), and Iran, the Caspian Sea littoral states, invoke environmental reasons to oppose the building an underwater pipeline to supply Nabucco.

Furthermore, the project received a heavy blow to Nabucco by signing the agreement between Gazprom and Italian ENI, to build pipeline Southstream (project costs are estimated at 10 billion Euros) in this project being attracted all participating countries to build Nabucco, with exception of Romania. These countries have signed agreements to deliver natural gas from Russia without intermediaries. Because of the difficulties created by the crisis, Gazprom has delayed the start of work by 2015.

March 2009 European Council was preceded by the adoption by the EU on March 8, 2009, the new European energy strategy - European Strategy for Sustainable, Competitive and Secure. The document sets out six directions:

- ensuring the integrity of the internal gas and electricity, by adopting common standards and rules, but by building networks and interconnection of existing common;
- ensuring security of energy flow and strengthen this solidarity between Member States, by reviewing national legislation on oil and gas stocks;
- diversification of energy sources;
- policies promoting environmental protection and saving it in a manner consistent with the Lisbon objectives;

- creating a strategic plan on energy technology;
- formulating a common foreign policy for all EU countries to identify priorities for the European Union to build new infrastructure for power system protection, adoption of a European Energy Treaty, adopted a new energy partnership with Russia, creating a reaction mechanism in case of crisis caused by short circuit of Europe's energy supply.

In this context, Romania will have to adapt their national security strategies, the energy security component, which takes account of EU policies. Our country should be involved in efforts to formulate an energy policy of the European Union in order to represent a viable link to a unitary structure.

IV. RUSSIAN INTERESTS

Black Sea and Russia's position has strengthened. Russia has restored a geopolitical and military status solid after mess that followed the dissolution of the USSR. Shores and sea ports of the former Soviet states became independent Ukraine and Georgia, which did for a while more pronounced centrifugal tendencies towards Moscow. Ukraine leader Yushchenko and Georgian leader Saakashvili tried to exploit this vulnerability obvious Moscow, close to their states of NATO and EU, but the war in Georgia and Ukraine elections, Russia vigorously curtailed course, by the West that there is a "red line" of Russian interests in the immediate vicinity which cannot pass over. Now, Russia can certainly count on military naval base in Sevastopol for almost half a century, can count and the ports of the regions broke away from the authority of Georgia can count on the military base in Armenia Gyumri, in central Caucasus, through an agreement with a life all about half a century.

Novorossiysk port will expand, and the Russian Black Sea Fleet will be modernized by 2020 and will acquire a new strategy, which will involve its permanent presence in the eastern Mediterranean, the Syrian port of Tartus. In Abkhazia will be held missiles S-300, and talks with Azerbaijan is of the same type.

Armenian political scientist Gaidz Minasian, which synthesizes these developments, said that "all from the South Caucasus countries - Georgia, Armenia, Azerbaijan - must understand that this region is under the influence (of Russia - Ed). Other forces, especially in Turkey and the United States must understand that there may have ambitions in this region depends on the vested interests of Russia"^[6]. Analyst Vladimir Socor is a Senior Fellow at the Jamestown Foundation, Washington, D.C. and concludes that U.S. and NATO seem to absorb the kickback strategic silence.

In the enlarged area of the two seas, Russia reduced its cooperation with Turkey in various fields (economic, energy, nuclear, tourism etc.). At the same time, notwithstanding the upright Iran relations with the West, Russia has managed to harmonize international demands to this country with significant collaboration with Tehran and the start of the nuclear power plant in Bushehr, built in common is the example the most telling.

In the Ponto-Caspian-Caucasian, so dynamic, so Russia is in full offensive political, diplomatic and military. Energy projects, such as South Stream cannot

keep up with this race. On the energy front, Russia-West competition is also in full swing. Current status of the U.S. hegemony is obviously subject to erosion.

CONCLUSIONS

Arguably Extended region Black Sea - Caspian Sea is a space of convergence of interests and positions of major global players smaller players must be configured by reference to the permanent interests. The fact that Romania is now one of the outposts NATO Black Sea and the U.S. is interested in playing chess very clear in this space, we must remove from achinezie (immobility), to assert, in national security purposes, all arguments geopolitical we have.

And all this promises to be particularly important since the '90s, when they drew the first draft of the pipe-line sites that will transport energy resources to the Euro-Atlantic East-semiperiferie-qualified, or, in Wallenstein's term, the center of the modern world.

Multilateral cooperation is the chance to maintain stability and unity of the region. Political, regional cooperation should aim to complete the transition from authoritarianism to the rule of law, democratic principles and human rights. Of economically necessary to pay attention to the region of joint projects that promote market liberalization and privatization and creating an attractive investment. In terms of security, should have priority programs and projects aimed at accelerating integration in the EU and NATO member, effective strategies to prevent and fight against new risks, dangers and threats to the region. These forms of cooperation and dialogue should be encouraged and further developed using methods and instruments of European security, the Euro-Atlantic and Eurasian.

Romania, together with Bulgaria and Turkey, NATO countries, which hold more than half of the Black Sea, in cooperation with Russia, Ukraine, Georgia and neighboring Caucasian countries, as holder of the Danube Delta, must have an active role and become a pivotal regional security architecture.

Black Sea Economic Cooperation Organization (BSEC) was the first framework for cooperation in the Black Sea area. Organization but quickly proved ineffective because the Russian factor. In the Russian Federation BSEC is significant and often used tool to disrupt the consensus decisions. Numerous proposals to reform the organization and to establish clear projects to strengthen cooperation in the Black Sea, including Romanian, could not overcome Moscow's consent. However, lately the BSEC Member States have managed to take two important decisions to create an integrator Pontic space: a backbone ring infrastructure of the Black Sea. Outside projects agreed in the BSEC, the EU offers financial assistance for the development of "maritime corridors". A discussion on this topic will take place at a conference in Constanta and desirable for some Black Sea littoral states to become more interested in the European initiative.

Given the turbulent historical past and a present as geopolitical, discussions and joint integration projects are welcome. They can really put up a stable place in the wider Black Sea region, and Moscow you will refrain from saying "no" will have a role in this respect.

We appreciate that in the future, Black Sea region will be not only a strategic confrontation or safety between the great powers of old and between large entities with global value, but also an area of confluence and strategic drive, becoming an important and influential pillar of security and stability, which will depend largely, security, peace and sustainable development of the Eurasian space.

References

- [1] <http://www.nato.int/docu/comm/2004/06-istanbul/partners.htm>;
- [2] <http://www.demos.co.uk/files/postmodernstate.pdf>, p. 34;
- [3] George I. Bratianu, *The Black Sea from its origins to the Ottoman conquest*, Book III. MONGOLIAN AND ITALIAN, Chapter XI THE BLACK SEA INTERNATIONAL TRADE TURNTABLE, second edition revised, Ed. Polirom, Iasi, p. 115;
- [4] *Ibidem*;
- [5] U.S. President George Bush's visit to Bucharest, November 23, 2002. Speech in the Revolution Square;
- [6] Gäidz Minassian, *La Russie et le Sud Caucase après la Guerre des cinq jours*, in *Revue arménienne des questions contemporaines*, numéro 13-14 - Décembre 2011, *Le Sud Caucase, Etats-nations et enjeux internationaux*, pp. 111-131; *Idem*, *Caucase du Sud, la nouvelle guerre froide: Arménie, Azerbaïdjan, Géorgie*, Impr. Corlet, Condé-sur-Noireau, 2006, *passim*.

Bibliography

COȘCODARU, Ion, *Determinări geopolitice și geostrategice în bazinul Mării Negre și în zona adiacentă acestuia*; în *Gândirea Militară Românească*, nr. 2/2004, București, Editura Statului Major General, 2004, pp. 54-64

HANGANU, Marius, *Tendențe și evoluții geopolitice în zona Mării Negre la începutul mileniului III și influența lor asupra României*; în *Buletinul A.I.S.M.*, nr. 1/2001, București, Editura A.I.S.M., 2001, pp. 15-21

MARINESCU, Gornel, *Contextul geopolitic actual al Marii Negre. Riscuri și amenințări la adresa securității regionale*; în *Convocare științifică și metodică a Catedrei Forțe Navale - septembrie 2004*, București, Editura Universității Naționale de Apărare, pp. 21-31

xxx. Colocviul româno - italian, *Genovezii la Marea Neagră în secolele XIII - XIV*; București, Editura Academiei R.S.R., 1977.

THE CONSULARE IMPERIUM OF AUGUSTUS IN 19 B.C.

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Abstract

This paper deals with one controversial issue concerning the "constitutional" position of Augustus. According to Cassius Dio, the first emperor was granted a consular power for life in 19 BC. Several historians disputed Dio's testimony. Some of them downplayed the significance of the 19 BC "settlement" and suggested that Augustus received only the insignia of the consulate and held, in fact, the same imperium granted in 23 BC. Others considered that, resigning from the consulate in 23 BC, Augustus lost his "domestic" empire and the act of 19 BC restored his imperium domi. The same scholars believed that the provincial imperium of the emperor was extended inside Rome. In our view, this hypothesis is not correct. There's no indication that Augustus would have taken the consular insignia in order to exercise some military form of authority in Rome, but some civilian functions like performing the census or other jurisdictions.

Keywords: Augustus, consulare imperium, fasces, proconsul, prouincia, tribunicia potestas

I. FROM 27 BC TO 19 BC

One fragment of the *Res Gestae divi Augusti* aroused a strong controversy among historians. It's about Augustus taking the census once as a consul and for a second and a third time *consulari cum imperio* without actually being a consul.

Patriciorum numerum auxi consul quintum iussu populi et senatus. Senatum ter legi, et in consulatu sexto censum populi conlega M. Agrippa egi. Lustrum post annum alterum et quadragensimum feci, quo lustrum civium Romanorum censa sunt capita quadragens centum millia et sexaginta tria millia. Tum iterum consulari cum imperio lustrum solus feci C. Censorino et C. Asinio cos., quo lustrum censa sunt civium Romanorum capita quadragens centum millia et ducenta triginta tria millia. Et tertium consulari cum imperio lustrum conlega Tib. Caesare filio meo feci Sex. Pompeio et Sex. Appuleio cos., quo lustrum censa sunt civium Romanorum capitum quadragens centum millia et nongenta triginta et septem millia. Legibus novis me auctore latis multa exempla maiorum exolescentia iam ex nostro saeculo reduxi et ipse multarum rerum exempla imitanda posteris tradidi^[1].

The other text concerning this issue is Cassius Dio's testimony^[2]:

„He took consular powers for life so that he could use the twelve rods always and everywhere and sit always on the curule chair between the two men who were at the time consuls.”

According to the excerpt from *Res Gestae divi Augusti*, Augustus performed a census for the first time in 28 BC together with his fellow consul, M. Vipsanius Agrippa. He performed the same operation in 8 BC and AD 14.

As we know, Augustus was granted in 27 BC a *consulare imperium* over Transalpine Gaul, Further and Hither Spain, Cyprus, Cilicia, Syria and Egypt for ten years^[3]. We have no doubt that he held these provinces also as a *consul* and a *pro consule*. There is not reason to accept the term *proconsulare imperium* for this period, a term attested for the first time during Tiberius' reign^[4]. As A. Giovanini and K.M. Girardet have demonstrated, Augustus held a *consulare imperium*^[5]. According to the republican tradition and Augustus' age, there were only two types of *imperium*: *consulare imperium* and *praetorium imperium*^[6].

In 23 BC, Augustus resigned from consulship^[7]. Major problems could arise for Augustus by taking this decision. No longer a consul, Augustus became a *pro consule* and, as a consequence of this act, he could lose his *imperium* when crossing the *pomerium*. According to Lex Cornelia, a proconsul's *imperium* lapsed when he crossed the *pomerium*^[8]. Cassius Dio says that Augustus was allowed to hold his *imperium* whenever and as for long as he possessed it when he crossed the *pomerium*^[9]. Although Augustus could not exercise his *imperium* in Rome, he could exercise it in his provinces from Rome. However, as A.H.M. Jones noticed, Dio's statement that Augustus was granted his proconsular *imperium* for life conflicts with his later statements that the provincial command was renewed for terms of five or ten years^[10].

However, Augustus exercised some capital jurisdiction in Italy and even in Rome, maybe by a special enactment issued in 23 BC, so that he could raise troops and command the praetorian cohorts, the urban cohorts and the *uigiles*^[11].

II. CENSORIAL POWERS AND *IMPERIUM CONSULARE*

Mr. Ferray concluded that the significance of the year 19 BC was more about than simple equating Augustus' *imperium* with that of the consuls^[12]. However, one may think that the *consulare imperium* bestowed to Augustus must have contained some provisions which allowed him to exercise jurisdiction in Rome and receive *professiones* for consular and praetorian elections^[12].

Mr. J.-L. Ferray believes that Augustus had not received any new *consulare imperium* in 19 B.C. in order to exercise it in Rome. According to Ferray, Augustus didn't say he would not have conducted the census as a possessor of the *consulare imperium*, but only that this operation was performed while he was *consulare cum imperio*^[13]. The french scholar considers that the emperor already possessed the *consulare imperium* since 23 B.C. in order to command the provinces he had been granted with in 27 B.C. and that's the *imperium* the *Res Gestae* 8 pertains to. Augustus was not granted an ordinary *imperium*, as consuls and praetors had. His *prouincia* was far greater, similar to the republican extraordinary commands^[14]. In fact, he had the same powers i.e. the same *consulare imperium* he enjoyed as a triumvir^[15]. However, after resigning from consulship in 23 B.C., his *imperium* operated by no means in Rome.

However, Ferray may have played down the significance of the *consulare imperium*. He is very contradictory at this point. Ferray suggests that Augustus received censorial powers as a part of his *consulare imperium*. According to him there would have been no widening of Augustus' *imperium* conferred in 23 BC, but

only the strong bonding of the *ensoria potestas* to the *consulare imperium*. The main purpose for this strong bonding would have been the *lectio senatus* from 18 BC, not the census. Cassius Dio says that Augustus was granted in 19 BC quinquennial *ensoria potestas* and *cura legum et morum*^[16]. Ferray rightly refuted the roman historian's claim concerning the *cura legum et morum* on the ground that *Res Gestae divi Augusti* 6.1 states that the emperor carried out his duties by virtue of his tribunician power. More, Augustus' censorial powers ceased after the reading of the Senate's list. However, we think that this reconstruction still contains two contradictions.

First, from this interpretation it results that if Augustus made use only of *tribunicia potestas* to read the list of the Senate, he wouldn't need any *ensoria potestas*. There is no mention of the bestowal of censorial powers in the *Res Gestae*.

Second, speaking about strong bonding of *ensoria potestas* to the *consulare imperium* is a very ambiguous notion. Ferray states that Augustus received no separate consular *imperium* and that he had the same *consulare imperium* granted in 23 BC^[17]. The French scholar still admits that this strong bonding might have supposed a *senatus consultum* and a law, but he didn't develop further. In fact, it must have been a *Senatus consultum* followed by a law of the *comitia* devised to redefine Augustus' *imperium* and that's why we can't agree with Mr. Ferray's interpretation on the *consulare imperium* of Augustus. It could not be a strong bonding of the *ensoria potestas* to the *consulare imperium* unless this *imperium* was not redefined. What are we talking about is not a separate *imperium*. Ferray states that in 28 BC Augustus did not take the census jointly with Agrippa as a consul but during his sixth consulship^[18]. We may ask by virtue of which status did Augustus took the census in that year? His censorial powers must have been associated to a magistracy operating inside the city. Despite a very thorough philological demonstration made by Ferray on the term *consulari cum imperio*, we cannot dissociate the censorial powers from the *consulare imperium*^[19]. As far as Augustus was not a mere censor and censorial powers were associated to the consulate, we have to admit that Augustus and Agrippa didn't only take the census in 28 BC during their consulate but they made it especially for they were consuls. Again, in 8 BC and AD 14, Augustus had censorial powers associated to his *imperium consulare* operating inside the city after the „settlement” of 19 BC. This time Augustus needed censorial powers which he could exercise in Rome only as a consul.

III. IMPERIUM MILITIAE OR IMPERIUM DOMI ?

H.M. Cotton and A. Yakobson were right to point out that Augustus did not received the consular insignia just for the outward appearance^[20]. He would have not have opted for the *fascies* just as simple *ornamenta* instead of the reality of power. They were also right to say that, resigning from consulate „formally the consuls, as the highest magistrates of the state, enjoyed—*horribile dictu*—an *imperium* greater than that of the *princeps*”^[21]. The two historians noticed that even in his provinces, Augustus' *imperium* was formally inferior to that of the consuls, if we accept Cicero's words^[22]. The fact that Augustus lost his *imperium domi* by resigning from

consulship emerges from the privileges he was granted with in 23-22 B.C.: *tribunicia potestas*, *ius primae relationis*^[23] and *ius agendi cum patribus*^[24].

However he still needed an *imperium consulare* not as *pro magistratu* but as a full magistrate in order to perform certain functions inside Rome. This means that Augustus needed to be a consul or to hold a *consulare imperium* as a *magistratus*. The censorial powers could not be associated to a *consulare imperium* operating outside Rome. That's why his *imperium* was extended to Rome. This doesn't mean Augustus' *imperium* was equal to that of the consuls^[25]. According to P.A. Brunt, Augustus' *imperium* was not declared equal to that of the consuls, „but it was recognized that he might use it without territorial limitations”^[26].

The powers of a consul included the control over the proconsuls^[27]. This view was contested by Ferray who quotes the incident from the battle of Arausio, in 105 BC, when the Cimbri inflicted a hard defeat on the Romans due to the fact that the consul Cn. Mallius Maximus was not empowered to issue orders to the proconsul Cn. Servilius Caepio and unity of command lacked^[28]. This situation would demonstrate, in Ferray's view, that the consuls had authority no more over the proconsuls. According to Staveley, the only authority consuls could claim was coming from their *auctoritas*^[29]. We think that our judgements on this issue should be more balanced, once that Cicero is very clear on this aspect.

Again, K.M. Girardet espoused the theory that Augustus received the full privileges of a consul *intra pomerium*: „so dürften jetzt noch Ende 19 oder dann im Jahre 18 v.Chr. die sozusagen noch fehlenden Komponenten des allumfassenden *imperium consulare* als persönliches Privileg hinzugekommen sein”. At the same time, the german scholar concluded that after the *lectio* of the Senate in 18 BC, the *imperium militiae consulare* was abolished for the „normal” consuls. From that day on, Augustus was the only one, although not a consul, to exercise the full *consulare imperium*^[30].

Cotton and Yakobson suggested a two-stage process. First, his *consulare imperium* was released from territorial limitations in 23 BC^[31]. Although he resigned from the consulate, Augustus was allowed to exercise his “proconsular” command over his provinces in Rome and Italy. The next step came in 19 BC. Assuming *consulare imperium* for life, as Cassius Dio states, would have been outrageous and *contra mores maiorum*^[32]. They concluded that the source of the Roman emperors “domestic” *imperium* was their “provincial” *imperium* applied to Rome and Italy, not a separate *consulare imperium*^[33]. According to them this is suggested by the terminology Tacitus uses for Nero's *imperium* in 51. Claudius granted Nero a *proconsulare imperium extra urbem*^[34]. They also quote the case of Marcus Aurelius who received an *imperium extra urbem proconsulare* from Antoninus Pius^[35]. That's why the two scholars followed A.H.M. Jones and concluded that the emperor's *imperium* that operated in the the provinces was also valid in the city (*intra urbem*)^[36].

At this point, we believe that we should examine this matter more carefully. As A. Giovanini once emphasized, the distinction between *imperium domi* and *imperium militiae* was not geographic, but a functional one. It concerned the military sphere as against the civilian sphere^[37].

In this respect, the *consulare imperium* bestowed to Augustus in 19 BC doesn't deal exclusively with the extension of the *imperium militiae* or "proconsular" *imperium* inside Rome. We admit that the provincial *imperium* was exercised even in Italy, but not in Rome.

Suetonius' claim that Augustus considered serving as a third consul might be interpreted as a way for the emperor to regain his *imperium domi* without monopolizing one of the two annual consulships^[38].

The civil unrest that broke out at Rome during Augustus' absence in 19 BC needed no military authority to quell it. The people asked for Augustus to take the consulship and calmed down after the emperor took the *consulare imperium*^[39]. In fact, Augustus' *prouincia* was redefined by a law decreed by the Senate. Indeed, no supplementary *imperium* was granted to him and there was no extension of his "proconsular" *imperium*. It was the same *consulare imperium* he was bestowed in 27 BC, redefined in 23 and 22 BC after resigning from consulship by a special law. In 19 BC Augustus earned the right to use the twelve *fasces* and to sit in the curule chair between the two consuls. This time he could act inside Rome as a full *magistratus* without the limitations that hindered him as a *pro magistratu*.

This has to be linked to the censorial powers of Augustus, bestowed to him by a special law redefining his *imperium*. The emperor could act now inside Rome like any consul. In fact, several jurisdictions were associated to the *consulare imperium*.

IV. TIBERIUS' STATUS IN AD 14

Augustus mentions in *Res Gestae* 8.1 that while he was *consulari cum imperio* performed a *lustrum* with Tiberius as his colleague in AD 14. A year before, Tiberius' powers bestowed in AD 4 were renewed. He was granted a position that made him nearly the equal of the emperor. According to Velleius Paterculus, *senatus populusque Romanus postulante patre eius, ut aequum ei ius in omnibus provinciis exercitibusque esset, quam erat ipsi, decreto complexus est*^[40]. The other source is Suetonius who states that *Ac non multo post lege per consules lata, ut provincias cum Augusto communiter administraret simulque censum ageret*^[41]. Although granted with *imperium maius* and *tribunicia potestas* in AD 14, Tiberius still needed a special law in order to jointly exercise the census with Augustus for he lacked the *imperium* to operate in Italy and inside Rome^[42]. Tiberius' *imperium* was redefined just like Augustus' *imperium* in order to qualify him to exercise his authority inside Rome.

CONCLUSIONS

In the end, we conclude that Augustus received no new *imperium* in 19 BC, but his *consulare imperium* was redefined so that he could exercise some new functions inside Rome which claimed a civilian jurisdiction, like taking the census, criminal and civil jurisdiction, and receiving *professiones* for consular and praetorian elections. We don't postulate that it was an extension of his provincial *imperium* which was a mere *imperium militiae*. The act from 19 BC had the significance of a consolidation of Augustus "domestic" *imperium*. In fact, it was the

prouincia that was redefined by law. We also don't think that the *tribunicia potestas* and the other privileges bestowed to him in 23 BC would suffice to explain his authority. At the same time, we cannot accept that Augustus exercised all these rights by virtue of his *auctoritas*. That would be too much a legalistic view of the *auctoritas*; it would mean to substantiate the very nature of the imperial institutional powers on a basis whose range goes beyond the *consulare imperium* and *tribunicia potestas*.

References

- [1] *Res Gestae divi Augusti*. 8.
- [2] Cassius Dio 54.10.5.
- [3] Cassius Dio 53.12-13; Strabo, *Geographia* 17.13.25.
- [4] Valerius Maximus 6.9.7; 8.1.2; Tacitus, *Annale* 1.14.3; 12.41.2; 13.21.7.
- [5] Giovanini, A., 1983. *Consulare imperium*. *Schweizerische Beiträge zur Altertums Wissenschaft* 16. Friedrich Reinhardt Verlag. Basel; Giovanini, A., 2008. Date et objectifs de la *lex de prouinciis praetoris* (*Roman Statutes*, no. 12). In *Historia. Zeitschrift für Alte Geschichte* 57. pp. 92-107; Girardet, K.M., 1990. Die Entmachtung des Konsulates im Übergang von der Republik zur Monarchie und die Rechtsgrundlagen des augusteischen Prinzipats. In W. Görler, S. Koster (eds.). *Pratum Saraviense. Festgabe P.Steinmetz*. Stuttgart 1990. pp. 89-126; Girardet, K.M., 1992. Zur Diskussion um das *imperium consulare militiae* im 1. Jh. v.Ch. In *Cahiers du Centre Gustave Glotz*. De Boccard. Pages 213-220; Girardet, K.M., 2000. *Imperium "Maius": Politische und verfassungsrechtliche Aspekte*. In A. Giovanini (ed.). *La Révolution romaine après Ronald Syme: Bilans et perspectives*. Entretiens de la Fondation Hardt 46. Vandœuvres. pp. 167-227.
- [6] *Praetorium imperium*: Cicero, *In Pisonem* 38; Cicero, *In Verrem* 2.5.40; Cicero, *De divinatione* 1.68; as to regard to the *consulare imperium*, there are 44 occurrences: Cicero, *Pro Flacco* 85; Cicero, *De prouinciis consularibus* 15; Cicero, *In Pisonem* 38; 55; Cicero, *Philippicae* 11.5. We have 1 similar mention in Sallustius' work, 2 in *Res Gestae divi Augusti*, 18 in Titus Livius' work, 1 at Velleius Paterculus, 3 at Valerius Maximus, 2 at Tacitus, 2 at Aulus Gellius, 1 at Ammianus Marcellinus, 1 at Eutropius, 2 in *Historia Augusta* and 1 at Servius. As Ferray, J.-L., 2001. À propos des pouvoirs d'Auguste. In *Cahiers du Centre Gustave Glotz*. De Boccard. Page 103. No. 9 rightly pointed out that some praetors were granted a *consulare imperium* and acted in their provinces as *pro consule*. There are less occurrences of the *proconsulare imperium* and of a later date: Valerius Maximus 6.9.7; 8.1.amb. 2; Tacitus, *Annales* 1.14.3; 12.41.2; 13.21.7; SHA, *Antoninus Pius* 4.7; *Marcus Antoninus* 6.6; *Pertinax* 5.6; *Seuerus* 4.2; *Seuerus Alexander* 8.1; *Gallieni Duo* 2.2; *Tyranni Triginta* 22.10; *Probus* 12.8. There are, also, 2 occurrences at Aulus Gellius and 1 in Titus Livius' *Periochae*. For this issue, see Millar, F., 1989. "Senatorial" Provinces: An Institutional Ghost. In *Ancient World* 20. pp. 93-97.
- [7] Cassius Dio 53.32.3.
- [8] Cicero, *Ad familiares* 1.9.25: *lege Cornelia imperium habiturum quoad in urbem introisset*; Ulpianus, 1 *disputationum*, *Digestae* 1.16.1: *Proconsul ubique quidem proconsularia insignia habet statim atque urbem egressus est; potestatem autem*

non habet nisi in ea prouincia sola, quae ei decreta est; Ulpianus, 2 ad edictum, Digestae 1.16.2 pr.: proconsul portam Romae ingressus est deponit imperium; Marcius, 1 institutionum, Digestae 1.16.2 pr.: omnes proconsules statim quam urbem egressi fuerint habent iurisdictionem, sed non contentiosam, sed uoluntariam, ut ecce manumitti apud eos possunt tam liberi quam serui et adoptiones fieri; cf. Cassius Dio 53.13.4.

[9] Cassius Dio 53.32.5; Jones, A.H.M., 1951. The Imperium of Augustus. In *The Journal of Roman Studies* 41. Pages 114-115; Rich, J.W., 1990. Cassius Dio. The Augustan Settlement (53-55.9). Warminster. Page 170; Dettenhofer, M.H., 2000. Herrschaft und Widerstand im augusteischen Principat. Die Konkurrenz zwischen respublica und domus Augusta. *Historia Einzelschriften* 140. Stuttgart. Page 106; Girardet, K.M., 2000. Imperium "Maius": Politische und verfassungsrechtliche Aspekte. In A. Giovanini (ed.). *La Révolution romaine après Ronald Syme: Bilans et perspectives*. Entretiens de la Fondation Hardt 46. Vandœuvres. pp. 198-200; Ferray, J.-L., 2001. À propos des pouvoirs d'Auguste. In *Cahiers du Centre Gustave Glotz*. De Boccard. pp. 119-120; Cotton, H.M., Yakobson, A., 2002. *Arcanum imperii: The Powers of Augustus*. In G.T. Clark, T. Rajak (eds.). *Philosophy and Power in the Graeco-Roman World: Essays in Honour of Miriam Griffin*. Oxford University Press. pp. 196-197.

[10] Jones, A.H.M., 1951. The Imperium of Augustus. In *The Journal of Roman Studies* 41. pp. 114-115; Ferray, J.-L., 2001. À propos des pouvoirs d'Auguste. In *Cahiers du Centre Gustave Glotz*. De Boccard. Pages 120-121; Cotton, H.M., Yakobson, A., 2002. *Arcanum imperii: The Powers of Augustus*. In G.T. Clark, T. Rajak (eds.). *Philosophy and Power in the Graeco-Roman World: Essays in Honour of Miriam Griffin*. Oxford University Press. pp. 198-199.

[11] Jones, A.H.M., 1951. The Imperium of Augustus. In *The Journal of Roman Studies* 41. p. 117; Cotton, H.M., Yakobson, A., 2002. *Arcanum imperii: The Powers of Augustus*. In G.T. Clark, T. Rajak (eds.). *Philosophy and Power in the Graeco-Roman World: Essays in Honour of Miriam Griffin*. Oxford University Press. Page 193. no 3. pp. 195-196. p. 200; Ferray, J.-L., 2001. À propos des pouvoirs d'Auguste. In *Cahiers du Centre Gustave Glotz*. De Boccard. p. 125. no. 95; Brunt, P.A., Moore, J.M., 1967. *Res Gestae divi Augusti*. Oxford. p. 13, concerning a limited exercise of a proconsul's *imperium* in Italy but outside the *pomerium*.

[12] Ferray, J.-L., 2001. À propos des pouvoirs d'Auguste. In *Cahiers du Centre Gustave Glotz*. De Boccard. Pages 127-130. Cassius Dio 53.17.5-6; Suetonius, *Divus Augustus* 33; See Jones, A.H.M., 1951. The Imperium of Augustus. In *The Journal of Roman Studies* 41. Pages 117-118; Brunt, P.A., 1977. *Lex de Imperio Vespasiani*. In *The Roman of Journal Studies* 67. Page 96. no. 9; Cotton, H.M., Yakobson, A., 2002. *Arcanum imperii: The Powers of Augustus*. In G.T. Clark, T. Rajak (eds.). *Philosophy and Power in the Graeco-Roman World: Essays in Honour of Miriam Griffin*. Oxford University Press. p. 96.

[13] Ferray, J.-L., 2001. À propos des pouvoirs d'Auguste. In *Cahiers du Centre Gustave Glotz*. De Boccard. pp. 125-127.

[14] Girardet, K.M., 1990. Der Rechtsstatus Oktavians im Jahre 32 v.Chr. In *Rheinisches Museum für Philologie* 133. J.D. Sauerländer's Verlag. Köln. pp. 326-

332; Girardet, K.M., 2000. Imperium “Maius”: Politische und verfassungsrechtliche Aspekte. In A. Giovanini (ed.). *La Révolution romaine après Ronald Syme: Bilans et perspectives*. Entretiens de la Fondation Hardt 46. Vandœuvres. Pages 181-182; Ferray, J.-L., 2001. À propos des pouvoirs d’Auguste. In *Cahiers du Centre Gustave Glotz*. De Boccard. pp. 110-111, 112-113; Cotton, H.M., Yakobson, A., 2002. *Arcanum imperii: The Powers of Augustus*. In G.T. Clark, T. Rajak (eds.). *Philosophy and Power in the Graeco-Roman World: Essays in Honour of Miriam Griffin*. Oxford University Press. pp. 195-203.

[15] Cassius Dio 54.10.5.

[16] Pelham, H.F., 1911. The “imperium” of Augustus and his successors. In *Essays on Roman History*. Oxford. Pages 68-69; Ferray, J.-L., 2001. À propos des pouvoirs d’Auguste. In *Cahiers du Centre Gustave Glotz*. De Boccard. p. 126. no. 100.

[17] Ferray, J.-L., 2001. À propos des pouvoirs d’Auguste. In *Cahiers du Centre Gustave Glotz*. De Boccard. p. 113.

[18] ILS 6123, from Venusia: *Imp(erator) Caesar VI M.Agrippa II (cos.) censorial potestate lustrum fecer(unt)*; see the comments of Ferray, J.-L., 2001. À propos des pouvoirs d’Auguste. In *Cahiers du Centre Gustave Glotz*. De Boccard. p. 126. no. 98 on this matter.

[19] Ferray, J.-L., 2001. À propos des pouvoirs d’Auguste. In *Cahiers du Centre Gustave Glotz*. De Boccard. p. 126. no. 99.

[20] Cotton, H.M., Yakobson, A., 2002. *Arcanum imperii: The Powers of Augustus*. In G.T. Clark, T. Rajak (eds.). *Philosophy and Power in the Graeco-Roman World: Essays in Honour of Miriam Griffin*. Oxford University Press. p. 198; Brunt, P.A., Moore, J.M., 1967. *Res Gestae divi Augusti*. Oxford. pp. 13-14; Brunt, P.A., 1977. *Lex de Imperio Vespasiani*. In *The Roman of Journal Studies* 67. p. 96. no. 8.

[21] Cotton, H.M., Yakobson, A., 2002. *Arcanum imperii: The Powers of Augustus*. In G.T. Clark, T. Rajak (eds.). *Philosophy and Power in the Graeco-Roman World: Essays in Honour of Miriam Griffin*. Oxford University Press. p. 201.

[22] Cotton, H.M., Yakobson, A., 2002. *Arcanum imperii: The Powers of Augustus*. In G.T. Clark, T. Rajak (eds.). *Philosophy and Power in the Graeco-Roman World: Essays in Honour of Miriam Griffin*. Oxford University Press. Page 201, note 34; Cicero. *Phillippicae* 4.9: *omnes enim in consulis iure et imperio debent esse provinciae*.

[23] Cassius Dio 53.32.5.

[24] Cassius Dio 54.3.3.

[25] As Jones, A.H.M., 1951. The Imperium of Augustus. In *The Journal of Roman Studies* 41. Page 118 put it: “It would seem more plausible to declare Augustus’ *imperium* to be equal to that of the consuls, thus releasing it from its territorial limitations”. Later, he changed his mind and supported that Augustus took *consulare imperium* for life in 19 BC: Jones, A.H.M., 1970. *Augustus*, New York and London. p. 60.

[26] Brunt, P.A., 1962. Roman Constitutional Problems. Review: Studies in Roman Government and Law by A.H.M. Jones. In *The Classical Review* 12. p.73.

[27] Cicero, *Phillippicae* 4.9: *Quem si consulem illa prouincia putaret nequem eum reciperet, magno scelere se adstringeret; omnes enim in consulis iure et imperio*

debent esse prouinciae; Cicero, *Ad Atticum* 8.15.3: *...ipsi consules quibus mores maiorum concessum est uel omnis adire prouincias, aut legati sunt eorum*; Cicero, *Ad familiares* 13.26.3: *quod quo minore dubitatione facere posses, litteras ad te a M. Lepido consule, non quae te aliquid iuberent (neque enim id tuae dignitatis esse arbitrabamur), sed quodam modo quasi commendaticias sumpsimus*; see Jones, A.H.M., 1951. The Imperium of Augustus. In *The Journal of Roman Studies* 41. p. 113; Cotton, H.M., Yakobson, A., 2002. *Arcanum imperii: The Powers of Augustus*. In G.T. Clark, T. Rajak (eds.). *Philosophy and Power in the Graeco-Roman World: Essays in Honour of Miriam Griffin*. Oxford University Press. p. 201. no. 35.

[28] Granius Licinianus 33.6-7; Cassius Dio, fragment 91; Ferray, J.-L., 2001. À propos des pouvoirs d'Auguste. In *Cahiers du Centre Gustave Glotz*. De Boccard. pp. 132-133.

[29] Staveley, E.S., 1963. The fasces and imperium. In *Historia. Zeitschrift für Alte Geschichte* 12. p. 478. See also Brunt, P.A., 1974. C. Fabricius Tuscus and an Augustan Dilectus. In *Zeitschrift für Papyrologie und Epigraphik* 13. Verlag Rudolf Habelt, Köln. p. 166. no. 17: the superiority of a consul over the proconsul "was at least obsolescent or obsolete in the late Republic; if Augustus could claim it in 27-3, we have an illustration of the way in which *auctoritas* fortified imperium".

[30] Girardet, K.M., 1990. Die Entmachtung des Konsulates im Übergang von der Republik zur Monarchie und die Rechtsgrundlagen des augusteischen Prinzipats. In W. Görler, S. Koster (eds.). *Pratum Saraviense. Festgabe P.Steinmetz*. Stuttgart 1990. p. 116f. p. 120f. See also Girardet, K.M., 2000. Imperium "Maius": Politische und verfassungsrechtliche Aspekte. In A. Giovanini (ed.). *La Révolution romaine après Ronald Syme: Bilans et perspectives*. Entretiens de la Fondation Hardt 46. Vandœuvres. pp. 198-199. He is followed by Birley, A.R., 2000. Q. Lucretius Vespillo (cos. ord. 19). In *Chiron* 30. Verlag C.H. Beck, München. p. 722.

[31] Titus Livius 26.9.10: *cui ne minueretur imperium si in urbem venisset decernit senatus ut Q. Fulvio par cum consulibus imperium esset*.

[32] Southern, P., 1998. *Augustus*, London. p. 133.

[33] Cotton, H.M., Yakobson, A., 2002. *Arcanum imperii: The Powers of Augustus*. In G.T. Clark, T. Rajak (eds.). *Philosophy and Power in the Graeco-Roman World: Essays in Honour of Miriam Griffin*. Oxford University Press. p. 202.

[34] Tacitus, *Annales* 12.41.1.

[35] SHA, *Marcus Antoninus* 6.6: *Post haec Faustinam duxit uxorem et suscepta filia tribunicia potestate donatus est atque imperio extra urbem proconsulari addito iure quintae relationis*.

[36] Jones, A.H.M., 1951. The Imperium of Augustus. In *The Journal of Roman Studies* 41. p. 118.

[37] Giovanini, A., 1983. Consulare imperium. Schweizerische Beiträge zur Altertumswissenschaft XVI. Friedrich Reinhardt Verlag. Basel. See Review by J. Crook. 1986. *The Journal of the Roman Studies* 76. pp. 286-288.

[38] Suetonius, *Divus Augustus* 37: *Exegit etiam, ut quotiens consulatus sibi daretur, binos pro singulis collegas haberet, nec optinuit, reclamantibus cunctis satis maiestatem eius imminui, quod honorem eum non solus sed cum altero gereret*; On this interpretation, see Cotton, H.M., Yakobson, A., 2002. *Arcanum imperii: The Powers of Augustus*. In G.T. Clark, T. Rajak (eds.). *Philosophy and Power in the*

Graeco-Roman World: Essays in Honour of Miriam Griffin. Oxford University Press. p. 200.

[39] Cassius Dio 54.1-3, 8, 10; *Res Gestae divi Augusti* 11-12.1.

[40] Velleius Paterculus 2.121.1: *cum...senatus populusque Romanus, postulante patre eius, ut aequum ei ius in omnibus prouinciis exercitibusque esset quam erat sibi, decreto complexus esset.*

[41] Suetonius, *Divus Augustus* 21,1: *ac non multo post lege per consules lata ut prouincias communiter administraret simulque censum ageret.*

[42] Jones, A.H.M., 1951. The Imperium of Augustus. In *The Journal of Roman Studies* 41. p. 119; Cotton, H.M., Yakobson, A., 2002. *Arcanum imperii: The Powers of Augustus*. In G.T. Clark, T. Rajak (eds.). *Philosophy and Power in the Graeco-Roman World: Essays in Honour of Miriam Griffin*. Oxford University Press. p. 203; Ferray, J.-L., 2001. À propos des pouvoirs d'Auguste. In *Cahiers du Centre Gustave Glotz*. p. 145.

NAVIGATION DANGERS IN THE BLACK SEA INTERNATIONAL MARITIME REGULATIONS (13-th – 14-th CENTURIES)

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Abstract

There were periods of times in the world history when the navigation had an important role in the development of society. The ships and the navigation had been and it will be an indivisible unit, an essential condition for the development of the state authority of a state who has outgoing at the sea. The history of the Greeks and the Phoenicians, of the medieval hanseatic fortress and of the Italian maritime republics – Amalfi, Genoa, Pisa, and Venice – is more the history of its fleet. Although the Middle Age had brought to the spraying of the Byzantine Empire unity; it had interrupted roads and trades, it had removed markets and it had impelled piracy, the coaster cities of the Italic Half-Isle had succeeded, through it selves, in preserving and promoting their antique maritime activity. Venice and Genoa used very brave navigators and very good technology to conquer the Black Sea basin and to transform it in an Italian lake.

Keywords: Black Sea, ships, Venetia, Genoa, tempests, pirates

INTRODUCTION

Navigation was an important barometer of economic life in all the areas where it was performed, implicitly in the coastal regions of the Byzantine Empire and, in general, in the Euxin Pontus. The maritime trade always involved ships, orientation devices and navigation rules continuously adapted to the specificity of the area of activity. A real fight for “taming” the angry waters took place quite often so that to allow free trade, pilgrimages or even military convoys, every loss being predictable. It is well known the fact that the Black Sea always created problems to the sailors that ventured the area without knowing enough its whims, thus sailors and their ships disappearing forever in its dark waters. Maybe, that was the reason for the local people to prevail because they knew better the “land” even during the naval confrontations or while organizing commercial convoys. For a further understanding of the phenomenon, we chose not to go on without making a clear description of the geo-physical characteristics of the Black Sea.

I. MARINE CURRENTS AND THE NAVIGABILITY OF THE BLACK SEA

The Black Sea is a basin deeply oriented from west to east. The maximum length of the sea on the parallel 42°29'N, between Burgas bay and the northern area of Inguri river mouth from the eastern coast, is of 620Mm (1.148Km). The maximum width of the sea on the meridian 31°12'E is of 332 mm (615Km) and the minimum width on the south meridian extremity of the peninsula Crimea (Sarici

head) is of 144mm (267Km). The Black Sea area is about 410,000 sq. Km and the total length of the coastline is of 2,200 mm (4.047 Km)^[1].

The Black Sea navigability was determined by the sea currents long ago until relatively Late Middle Ages. The sea dynamism generally caused by crestless waves and tides, causes level differences within short distances. There are however in the sea and in the oceans currents that lead the water the ways the large rivers do on long distances, that fact being of a great importance for sailors^[2].

In terms of currents generated by causes, they could be classified as follows:

- **Currents caused by internal forces:** waters are subjected to various conditions of temperature, density and salinity. In the tropics, for example, the ocean water expands more than the Polar Regions resulting thus in a rise of the water level which is drawing the water from the equator to the poles. However, it is to be mentioned the fact that it occurs a crash in balance whose effect is to create a deep cold current from the poles to the equator. There are also currents which appear because of differences in density, or water salinity in two regions of the oceans. The velocity of the currents it is to be noticed in straits such as Gibraltar, Bosphorus and Dardanelles straits. For these ones mentioned here, the Black Sea waters, which are lighter, are heading for the Mediterranean, and causing a surface one way kind of current, while in depth, there is a reverse current;

- **Currents caused by exterior forces:** in this case the variations in the atmospheric pressure are very important. These variations are acting on the water creating currents in low pressure regions, where the water level is higher, and those currents are heading higher pressure regions. And this way reverse currents appear in deep waters. The wind is another external cause but the direction of the wind currents does not take exactly the wind direction, in which case the current velocity decreases in depth. Sea currents caused by the sea coasts and the rotation of the earth are also part of this category^[3].

As for the Black Sea, the currents are determined by the wind, the continental flow, water density changes, the configuration of the coastlines and the seabed topography. But the main factor which determines the current system is the winds, the influence of the other factors being decisive only in some of the Black Sea regions^[4].

Due to the difference in the sea water density between north-western and southern area, in the Black Sea, there is a little salty stream that flows north to Bosphorus; in the strait it overlaps a salty current which comes from Mediterranean Sea.

Some of the water that comes from the northern area of the Black Sea cannot pass through Bosphorus and continues its way along the Anatolian coast. Therefore, there is a current that appears and circumnavigates the Black Sea counter clockwise and ends up the circuit of the current heading south from the area of the Danube mouth. Besides this general circular pattern, along the Black Sea coasts there are some other two circular currents, one in the western half of the sea, and the other one in the eastern half, both of them appearing as two loops creating thus the image of an eight down. The circular shape of the currents is due to the poor salinity from the coastline and to the direction of the winds round here^[5].

In the Kerch strait (7.30 m deep) it appears a double current analogous to that of the Bosphorus; a surface current is carrying out fresh water of the Azov Sea in the Black Sea, and beneath it, a reverse current carries the water from the Black Sea to the Azov Sea^[6].

For navigation in the Black Sea, a dangerous sea because it gets bad^[7] in a very short time, the knowledge of the network of the marine currents that cross it, that use the favorable ones and annihilate the negative effects of the others, was a prerequisite for sailors in 13-th –14-th centuries and later^[8].

II. PONTIC POLICY OF ITALIAN CITY-REPUBLICS

The times when the Venetians and Genoese sailors forced the gates of the Black Sea, strictly guarded until then by the Byzantines, they also introduced in the Pontic trade their navigation rules and techniques which were rapidly developing in the Mediterranean area. There was more numerous and accurate information on navigation in the Black Sea that appeared especially after gaining extensive control over the trade in that region by Genoese. None of this however, would not have been possible without a considerable naval fleet, naval fleet which resulted from a thorough knowledge of navigation, from the types of ships adapted to meet commercial and military needs, from the establishment of certain institutions that contributed to the development of some maritime rules and regulations to minimize the risks of navigation and commercial transport, regulations which in some cases proved enduring.

Consequently, together with the strategic component the commercial interest of the Italians could not be satisfied without the existence of a fleet able to meet competition and, sine qua non, without regulations to reduce dangers on one hand and to allow practicing competitive trade on the other hand. Regarding the latter aspect, we refer to the Italian maritime law both to the commercial one and to the one that standardized the navigation. The two elements are related and through their direct effects on life onboard, on people whose occupations were related to the sea- sailors, ship owners, merchants - had beneficial effects on the navigation development and economical activities in the Black Sea.

The Italian maritime republics were the first to have created a commercial maritime legislation that formed the basis and substance of treaties, commercial and maritime law codices of modern Europe, regulations whose effects have influenced the navigation and trade, as I said, and the Pontic basin.

In general, standardized rules issued during this period could be divided into commercial, political and navigation ones, the latter being always in force, having as purpose the safety of the shipping trade.

In the 14-th century, both Genoa, constrained by the risk of Venice recovery, its main rival in the Pontic trade, and Venice strictly standardized the terms of the navigation in general and the navigation in the Black Sea in particular. In this case there were created institutions to put an order in all the aspects of Genovesian navigation and maritime trade as: *Officium Gazarie*, *Il Liber Gazarie*, *Officium Robarie* on one hand, and of Venetian navigation and maritime trade:

Consoli de Mercanti, Giudici del Forestier, Levantis, Ufficio del'Estraordinario on the other hand^[9].

III. THE DANGERS OF THE BLACK SEA BASIN

The shipping rate achieved between the Italians and the Black Sea regions was particularly important for the intensity of the trade, numerous being the causes that hamper many cruises slowing maritime communications with the Est. They included meetings with the pirates or the enemies of the Italian republics, weather or extended port days at major destinations^[10]. All these represented a great threat to navigation raising its level of risk and, therefore the costs^[11]. Another cause of slow navigation was the fact that these boats were sailing near the coast in order to escape more easily when needed, and they were not sailing at night at all^[12].

Regarding the piracy and the buccaneer activity, as shown in one of the chapters of this work, both pirates and buccaneers represented a great risk for navigation and for money involved in the commercial traffic. Many times the owners were forced to buy goods captured by pirates^[13].

The Latin word *cursus* (and *κούρσος* derived actually from the Greek word) means aggression against a territory or property of the enemy. The corsair war erupted sometimes even as a defense factor against piracy, piracy methods being quite often used even against pirates.

With all the serious effects of all these hazards it seems that the most serious problem was the one of the stopovers. For example, the *mude* data established by Venetians for the ships coming from the Byzantine area (Romania), were in 1328: from Constantinople, March 15-April 15 and September 15-October 31: from Romania (including Crete and Negroponte), April 15-30 and September 15- October 31^[14].

Genoa by *Officium Gazarie* tried solving the problem by limiting the port days as follows: 8-10 days at Pera, 10 days at Trapezunt and Tana and a mandatory one port day at Caffa^[15]. These regulations were not followed, port days continued to extend, as shown in the table below^[16], on voyages to Est, of several Genoese ships:

THE EXTENDING OF THE PORT DAYS					
Data	Ship type	Departure from Genoa	Direction	Arrival to Genoa	Duration
1282	Galley	May	Romania	December	7 months
1291	Galley	August	Romania	April 1292	8 months
1293	Galley	February	Romania	December	10 months
1309	Galley	January	Romania	December	11 months
1312	Cocca	February	Pera	November	9 months
1314	5 galleys	September	Romania	14 July 1315	10 months

1317	Galley	February	Romania	August	6 months
1351	Galley	30August	Pera	11 August	11½ months
1374	Heavy Galley	June	Romania	December	6 months
1391	Light Galley	22 May	Romania	23 November	6 months
1401	Navis	March	Romania	October	7 months
1409	Navis	13 February	Caffa	August	6 months

One should mention the fact that regarding the sailing time from Caffa to Genoa, about two months^[17], only no less than 65 to 70% were the dead times from the voyage duration since the galleys returned to Genoa after 10 or 11 months from their departure. The exception came from the armed galleys of the Village, in the second half of the fourteenth century, when certainly some of them managed to make oriental journeys in six months and theoretically they could have made two voyages a year in Romania^[18].

The legal contracts signed up at Chilia give a clue on the length of path Licostomo- Pera-Licostomo-Chitila. The contract, signed up in August 12, 1360, stated that “Sf. Ioan” ship was preparing for a cereal transport on Licostomo-Pera path, was stipulating the fact that its owner engaged to make another cereal transportation following the same route after returning from the first voyage. The contract was renewed in September 21 or 22, 1360, when the same ship at the moment in one of the Chilia branch channels, was about to sail to Pera. Thus, during its first voyage “Sf Ioan” Ship, in August 12, did not leave Licostomo to go to Pera and in September 21 or 22, it returned to Chilia after a round voyage of 40 days following the same route^[19].

Regarding the Venetians, the explanation for shortening up the loading time of the *mude* has some reasons:

- Shortening the journey determines the possibility of having several trips a year;
- A faster return to the destination supposed to effectively use both the ships and the capital invested;
- Venice was known for its alert peace in merchandizing goods this turning it into a world market where one could find anything in any quantity;
- *Muda* created, in a sense, an order in Levant markets and not only, by the fact that the goods which were loaded by the Venetian ships had to be contracted and brought into the loading ports, the moment the ships were at berth.
- *Muda* have not only set the arrival time of the goods in the loading ports and then in Venice but also the quantities^[20].

Many times there were delays because of the human factor not necessarily because of the weather conditions. There happened, and not only once, for inexperienced sailors to go right in the middle of danger. A Venetian legal document from 1469 is mentioning such an episode. After having miscalculating the route and lost contact with other ships in the convoy, a pilot could not find any land in Asia

Minor to touch though he tried. Meanwhile, a strong wind from west dragged the ship from Pontic Heracleea in the vicinity of Sinope port, in the middle of a storm^[21]. It is to be also mentioned the poor discipline of the crew. In 1370, for example, sailors from the Romanian galleys, during their way back from Tana to Venice, attacked a town in Dalmatia killing several people. The court of Venice interfered but without harshly punishing the guilty ones^[22].

Winter was another factor among the others that were disturbing the rhythm of navigation^[23]. Starting with November sailors preferred not to go sailing the route from Constantinople or Pera to Trapezunt. They were venturing this route only in emergency situations but even so they were forced to turn back. But, with no doubt, the technical transformations of the new boats saved the sailing time during the cold season, but even so, navigation failed to become annual^[24].

As for Genoa, taking into account the risk factors in cold weather, the Regulations of the late 13-th -early 14-th century explicitly prohibited voyages from December 1 up to March 15^[25]. Antonio di Ponzo's documents state the fact that there were months favorable for navigation, March-May, August-October, and of course June-July. The traffic thinned out and even stopped during the unfavorable weather from November to February^[26].

By the decisions of the Venetian Great Council from January 18, 1292, the Venetian ships were given the approval to navigate in the Black Sea only between April 1, and the middle of October. At the beginning of the fifteenth century the Venetian ships were given the right to stay in the Black Sea area until November 1, and sometimes even later than November^[27].

However, the strong ships risked sailing during the unfavorable months too, ultimately only January being excluded from the long voyages. Although this month, a real break month, the merchants and the owners agreed on the place of departure of the ships in spring^[28]. In reality, the Genoese shipping stopped for a short period of time, for some weeks in January and February, in the Black Sea basin. That was also emphasized by the contemporary Byzantine writers, for example George Pachymeres wrote that Italians were sailing in the Black Sea even during winter time^[29].

The ships that were sailing the northern route of the Black Sea and from the mouth of the Don, were risking to be trapped in the ice. Consequently, the Venetian state required the owners of the galleys to take the necessary safety measures. Thus, with the arrival of the cold weather from mid autumn (usually from October 10) the galleys were forbidden to navigate up the river to Tana, thus being forced to drop the anchor near the mouth of the Don^[30].

The fog, the strong wind and the storms represented in fact the real danger for the navigation in the Black Sea during winter time and even autumn. The famous Florentine chronicle Giovanni Villani speaks about a terrible event, a terrible storm that crossed the Black Sea in 1323 and destroyed about 100 large *ligna* which caused serious damage to Venetian, Genoese, Pisans and Greek merchants^[31].

Not only the storms but even a simple change of the wind direction and speed may have undesirable consequences on a boat. However the documents clearly stipulate that losing ships this way was a fairly rare event. According to the calculations made by Michel Balard on an analysis of a large number of legal

documents from the thirteenth and fourteenth centuries, Genoese shipwreck on eastern routes was of one in a year^[32].

The entry into the strait was a dangerous place too. In the fall of 1390, in this area, a ship coming from Caffa, with a cargo of grain and other goods wrecked away. Besides the material damage suffered, there were some other 40 members of the crew that disappeared in the incident^[33].

Starting with the end of the thirteenth century the shipwrecks issue appears within the maritime law founded by the Italian Maritime Powers and within the insurance practice adjusted starting with the beginning of the thirteenth century. Besides the measures to avoid overloading the ship, in Genoa, for example, *Il Liber Gazarie* from 1330 forced the owners of the galleys for Romania and Cyprus to sail in “conservachio”, meaning in convoy, so that to reduce risks at sea^[34].

The storms, a phenomenon rather common at the times, represented another prejudice for the commercial shipping. In the fifteenth century there were many cases of the type handled by the Venetian Senate. The owners were even forced to hire people to deal only with the supervision of the goods. If the goods underwent any damage, the owners were the ones to pay for it. Even those employees hired to keep the inventory of the goods or to protect them were the ones that were stealing it. A scribe from a galley for Trapezunt, a scribe responsible with the shipment of the food supply, stole wine, cheese and salted meat. For this reason he was punished as a thief and he had to pay a fine twice the amount of goods being stolen and he was removed from such a job^[35].

Another risk factor during navigation was the epidemics and diseases that struck crews and passengers, epidemics and diseases that sometimes reached catastrophic dimension. In 1347 only four Genoese galleys out of eight coming from the Black Sea, where they caught the plague, reached the Genoa port. All the crew members already infected died to the last, they being also the ones who plagued Europe. The lesson of the “black death” was not in vain, the Genoese and Venetians people introduced the quarantine^[36] method for all the vessels suspected of having onboard people suffering from diseases.

The hostile actions of Venetians and Genoese people against each other together with the assaults of the ottoman fleet of the Emirate of Sinope against the ships and the Italian settlements were a real threat for navigation. There were recurrent military conflicts among the Italian maritime republics, among all those and Byzantium and the Empire of Trapezunt. In the Pontic Basin the Genoese attacked, not once, caravans of Venetian ships which sailed from Tana to Trapezunt^[37]. Since 1262 solitary vessels and vessels forming groups were attacked on their way back from the Black Sea^[38]. Venetians, in turn, raised obstacles for the Genoese ships; they were attacking and robbing them especially in the periods of time when the relations between them worsened^[39].

Even the people living in Pisa represented an obstacle; at the end of the thirteenth century they continued the ancient Black Sea battle between Pisa and Genoa^[40]. Ottoman ships were among the ones that were attacking the commercial vessels around the Black Sea^[41].

Until the 60’ of the fourteenth century, a real threat to the commercial shipping in the Black Sea came also from the military actions of the fleet of Sinope,

the Gazi Celebi emir who, always in war with Genoese, held constant piracy actions. Not even the commercial Venetian galleys could avoid the attacks of the fleet of Sinope^[42].

In conclusion, among the main risk factors for navigation in the Black Sea resulting from the documents of that period of time, there are to be distinguished the followings:

- direct attacks against ships;
- enemy actions and therefore the political situation which could harm navigation (there are taken into consideration only the actions in the Black Sea);
- epidemics;
- property damage caused by interrupting the navigation rhythm, by the late arrival of the galleys, by prohibiting the port call, etc.,
- climatic factors.

As resulting from the Venetian Senate documents, in between 1306-1415, there were 125 voyages of caravans made consisting of Venetian galleys line and the risk factors of shipping line Venetian galleys appear as follows:

THE BLACK SEA NAVIGATION RISK FACTORS				
Risk factors	1306-1350	1356-1400	1401-1451	Total
Armed aggressions provoked by: Genoese, Ottomans, the Emir of Sinope, Catalans, pirates	10 (58%)	8 (80%)	14 (53,9%)	32 (60,4%)
Different	2 (11,8%)	2 (20%)	3 (11,5%)	7 (13,2%)
Epidemics	1 (5,9%)	0	1 (3,8%)	2 (3,8%)
Economical damage	3 (17,6%)	0	3 (11,5%)	6 (11,3%)
Shipwrecks	1 (5,9%)	0	5 (19,3%)	6 (11,3%)
Total	17 (100%)	10 (100%)	26 (100%)	53 (100%)
Total number of voyages	34	41	50	125
Risk percentage	50%	24,4%	52%	42,4%

Aegean Sea was the most dangerous route in time, the route from Venice to Tana and Trapezunt.

The line galleys were rarely shipwrecking but this certitude did not come from the absence of the risk (which was very high) but was the result both of the measures taken to preserve the safety and of the navigation control system of the commercial galleys^[43].

Ships that were assuming the risk of navigating in autumn and winter, prohibited to shipping, were quite often the victims of the shipwrecking emphasized even by the legal documents. However, these “accidents” are not the most numerous, those were the losses caused by the human action, and piracy had its time of glory in the thirteenth and fourteenth centuries^[44].

IV. CONCLUSIONS

During the 8-th and 14-th centuries, Mediterranean navy and the Black Sea, being tied up through straits of the Mediterranean Sea and other Seas which it was, consisted of, can't be detached by the board of the navigation spread in all the Italian maritime cities. The Venetian and Genoese ships that had been sailing on the Black Sea, during the 8-th and 15-th centuries, were of two types: "long boats" which oars and "point-bellied ships" with sails. The selection of the boat was determined by the type of the transportation and by the navigation's conditions. The last ones conditions were very important for navigation. The Black Sea was a very difficult sea, well known for his very fast tempest started with any advertisement. Others complications in navigations were give by the pirates, the epidemic diseases from ports, the political situation or the climatic factors.

References

- [1] *** 1981. *Cartea pilot a Mării Negre*, (Pilot book on the Black Sea). Mangalia. p. 11.
- [2] Marcu, V., 1947. *Tratat de navigație maritimă și aeriană*, Tipografia Revistei Aeronauticii. p. 152.
- [3] Ciocârdel, R., 1936. *Marea*, București. p. 49-51.
- [4] *** 1981. *Cartea pilot...*, p. 23.
- [5] Bărbuneanu, Petre I., 1967. *Mările și Oceanele pământului*, ed. a II-a. București. p. 378.
- [6] *** 1981. *Cartea pilot...*, p. 29.
- [7] The way the sea changes from calm to storm is called **mounting**. *** 2006. *Dicționar enciclopedic de marină*, (Marine Encyclopaedic Dictionary) vol. I, coord. c-dor. (r) Anton Bejan, Editura Scriitorilor Marinari. București.
- [8] Atanasiu, Andreea, 2008. *Venetia și Genova în Marea Neagră. Nave și navigație. 1204-1453*, Editura Istros a Muzeului Brăilei. Brăila. p. 103-107.
- [9] Atanasiu, Andreea, 2008. *Reglementări legislative privind navigația și comerțul în bazinul pontic. Instituții*, in *Anuarul Muzeului Marinei Române-2007*, Tom X, Editura Muzeului Marinei Române. Constanța. p. 175-182.
- [10] Balard, Michel, 1978. *La Romanie Génoise (XII^e–début du XV^e siècle)*, I-II. Rome. p. 576.
- [11] Karpov, S. P., 2000. *La navigazione veneziana nel Mar Nero. XIII-XV secc.*, Edizioni del Girasole. Ravenna. p. 54.
- [12] Balard, Michel, 1978. *La Romanie Génoise...*, p. 576.
- [13] Karpov, S. P., 2000. *La navigazione...*, p. 54-55.
- [14] Lane, F. C., 1966. *Venice and history*, foreword by Fernand Braudel. Baltimore. p. 131.
- [15] Balard, Michel, 1978. *La Romanie Génoise...*, p. 576.
- [16] Cf. Balletto, L., 1993. *A Caffa nel 1298-1299*. In *I problemi del Mar Nero nel passato e nel presente*. Genova. p. 23.
- [17] *Ibidem*.
- [18] Balard, Michel, 1978. *La Romanie Génoise...*, p. 577.

- [19] Manolescu, Radu, 1996. *Comerțul și transportul produselor economiei agrare la Dunărea de Jos și pe Marea Neagră în secolele XIII-XV*, în *Revista de Istorie*, I, 6, p. 550.
- [20] *Ibidem*.
- [21] Karpov, S. P., 2000. *La navigazione veneziana...*, p. 46.
- [22] *Ibidem*, p. 61.
- [23] Most of the times, winter disturbed the rhythm of navigation. For example in 1442 and 1443 the liaison between Italy and Trapezunt was completely interrupted when a Venetian galley which was heading Trapezunt succeeded to come back in the Black Sea only in December. The delay was in Negroponte, and now because of the winter, the ship got stuck in the Black Sea without any possibility to come back to its country. For a long period of time, Venice was convinced of losing that ship even more because the galleys from Tana which had to follow together the same route, after having waited for it for 130 days, came back to Venice on March 7, 1443. After a four months winter period of time, in Trapezunt, the well known lost ship arrived to its country on June 27, 1443 but her delay caused quite damage to its owners and merchants (Karpov, S. P., 2000. *La navigazione veneziana...*, p. 41-42).
- [24] Karpov, S. P., 2000. *La navigazione veneziana ...*, p. 39.
- [25] Balletto, Laura, 1976. *Genova. Mediterraneo. Mar Neo* (secc. XIII-XV). In *Studi e testi-Serie storica*, Civico Istituto Colombiano. Genova. p. 134.
- [26] Manolescu, Radu, 1996. *Comerțul și transportul...* p. 550.
- [27] Karpov, S. P., 2000. *La navigazione veneziana ...*, p. 41.
- [28] Balard, Michel, 1978. *La Romanie Génoise...*, p. 579.
- [29] Karpov, S. P., 2000. *La navigazione veneziana ...*, p. 41.
- [30] *Ibidem*, p. 46.
- [31] In 1325, the *La Capello* galley which came from Venice and was sailing to Trapezunt shipwrecked ashore (*ivit in terram*), the cargo being stolen. In October 1431, two Venetian galleys sent to Tana shipwrecked near the Meganone promontory. One part of the crew was taken prisoner by the Genoese people and jailed to Caffa because the two republics were that time hostile to each other. The Venetian *bail* in Constantinople was forced to buy back the crew. In November 1403, near the Carpi port a serious storm, unseen for twelve years, according to the sailors, caused the ruin of a *carraca* and a *galeotte* of the Genoese people from Pera. In the fall of 1435, a Genoese ship shipwrecked and was damaged together with its cargo. The ship was owned by Pietro Donato that was sailing from Moncastro to Caffa (Karpov, S. P., 2000. *La navigazione veneziana ...*, p. 42-43).
- [32] Balard, Michel, 1978. *La Romanie Génoise...*, p. 586; vezi și Balard, Michel, 1999. *Naufrages sur le routes d' Orient (XIV^e-XV^e siècles)*. In *Le Naufrage, Actes du Colloque tenu à l'Institut Catholique de Paris (28-30 janvier 1998)*, Honoré Champion Éditeur. Paris.
- [33] Balard, Michel, 1978. *La Romanie Génoise...*, p. 43.
- [34] Vitale, V., 1951. *Le fonti del diritto marittimo ligure*, Genova. p. 104.
- [35] Karpov, S. P., 2000. *La navigazione veneziana ...*, p. 44.
- [36] For example, in 1458, a Genoese ship heading Caffa and coming from Trapezunt where the plague epidemics appeared was stopped and got into

quarantine before its burst in port (Karpov, S. P., 2000. *La navigazione veneziana ...*, p. 64).

[37] Actions of this kind being noticed in 1327, 1348, 1362, and 1367 (Karpov, S. P., 2000. *La navigazione veneziana ...*, p. 46).

[38] Assaults took place in 1336, 1348-1350, 1350-1366, 1403-1404, and 1431-1432. In November 1403, for example, two *carraca* armed by Genoese people from Pera, were spying the Venetian ships, which were returning from Tana, with the intention to steel their goods. For this reason they placed one of the two ships near Finogia Island and the other one in the Carpi port (Karpov, S. P., 2000. *La navigazione veneziana ...*, p. 47).

[39] In 1432, for example, *podesta* from Pera was forced to ban, for a period of time, two Genoese ships to go to Straits where Venetian ships were sailing. The owners of the Genoese ships started this way to unload their goods in the closest ports in Anatolia; nevertheless, one of these ships was hijacked but this time by the *pasa* from Pontic Heracleea (Karpov, S. P., 2000. *La navigazione veneziana ...*, p. 47).

[40] In 1227, for example, a pisan galley tried to intercept some Genoese ships near Sinope; the pisan galley was defeated by a Genoese galley that intercepted it and put it on fire near Soldaia (Karpov, S. P., 2000. *La navigazione veneziana ...*, p. 53).

[41] The Ottoman threats for the Venetian convoys continued in 1395 in Gallipoli, 1408 near Modon, in 1422 and 1433 in Constantinople area. All that continued in 1452-1453 (Karpov, S. P., 2000. *La navigazione veneziana ...*, p. 49).

[42] The way it would happen in 1321 or in 1359-1360. In 1340, war ships owned by the Emir of Sinope were waiting for the Venetian ships which were coming back from Tana but meanwhile these ones were hijacked by the military Genoese fleet lead by Simone di Quadro (Karpov, S. P., 2000. *La navigazione veneziana ...*, p. 50).

[43] Karpov, S. P., 2000. *La navigazione veneziana ...*, p. 64.

[44] Balard, Michel, 1978. *La Romanie Génoise...*, p. 587.

ROMANIAN-SOVIET DISPUTES REGARDING THE MARITIME BOUNDARY DELIMITATION DURING THE POSTWAR PERIOD

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Abstract

The bilateral negotiations Romanian-Soviet regarding the maritime boundary of both states in the Black Sea were permanently affected by the judicial status of the Snakes Island and its surrounding area. These aspects led to the failure of the negotiations and hampered the conclusion of any agreement in this respect.

Among the issues which set up a clear difference between the counterparts were included the kind of assessment for the Black Sea shore, the geological criteria, the length of the coast line, the general direction of both states seaside, and the historical-judicial factors of the area.

Keywords: *Black Sea, border, negotiations, continental plateau, territorial waters.*

INTRODUCTION

The territorial clauses, set by the Peace Treaty's provisions on 1947, did not mean the end of the territorial changes within the Black Sea area. After entering the USSR's domination area, Romania was imposed a new territorial rapture, mainly concerning the Serpents Island. Military occupied on August 29, 1944 by the Soviets during the World War II, the Serpents Island was seized in 1948 according to a protocol and a handover minutes whose legal void was obvious. If in the beginning it was its military importance that prevailed, soon after the island gained a special economic importance too, as in this area there are significant reserves of hydrocarbons[1].

DEBATS

The island was not subject to the negotiations of the political and territorial commission, nor was it mentioned in the Peace Conference's documents or within the text of the Peace Treaty signed on February 10, 1947. On the map, which article 1 of the Peace Treaty was making reference to, in effect Annex 1, the Soviet-Romanian border in the south area of Bessarabia was set along the Chilia branch up to its flow into the Black Sea, then on the sea at the north of Serpents Island. This represented the international legal recognition of the fact that the island belonged to Romania. The coastline length wherewith Romania had access to the Black Sea

measured 245 km. The signing of the Peace Treaty on February 10, 1947 between Romania and the Allied and Associated Powers (including the USSR) as well as the ratification of the treaty by the signatory States, marked the recognition of Romania's postwar borders[2]. Invoking the provisions of article 1 of the Peace Treaty with Romania, the Soviet Government insisted on signing a protocol concerning the specification of the state border line's course between People's Republic of Romania and the USSR, which was signed at Moscow, on February 4, 1948[3].

Following this request, on February 2-4, 1948, a delegation led by the Romania's Prime Minister, Petru Groza, went to Moscow. During the consultations, the Soviets requested that the issue of protocols no. 6 signed on September 14, 1940, respectively no. 7 on September 16, 1940 and no. 8 on September 19, 1940 should be tackled. In fact they were simply draft protocols thought-out by the Soviets, and since they were bringing major prejudices to Romania's interests, they were never accepted, signed and ratified by the Romanian side. The appeal to the content of those protocols was not, in fact, an error from the Soviets, but a skillful legal trick.

In this context, on February 4, 1948, in Moscow, the two delegations signed the "Treaty of friendship, cooperation and mutual assistance between the Union of Soviet Socialist Republics and the People's Republic of Romania", with a validity of 20 years and the "Protocol referring to the specification of the state border line's course between the People's Republic of Romania and the Union of Soviet Socialist Republics".

The official text of the Protocol signed in Moscow on February 4, 1948, stipulated: "In accordance with article 1 of the Treaty of Peace with Romania, which entered into force on September 15, 1947, the Government of the People's Republic of Romania, on the one hand, and the Government of the Union of Soviet Socialist Republics, on the other hand, have agreed as follows:

1. State border between Romania and URSS, indicated on maps attached to this Protocol (Annexes I and II), has the following way:

a. According to Annex I:

- From the meeting point of borders of the USSR, Romania and Hungary to Stog Mountain, it follows the line of the former Romanian-Czechoslovak border;

- From Stog Mountain to the border landmark no. 56 of the former Romanian-Polish border, which is 4.9 kilometers south of the springs of Black Cheremosh River, follows the line of the former frontier between Romania and Poland;

- From the border landmark no. 56 of the former Romanian-Polish border to the river Prut, on the western edge of locality Orofteana-de-Sus, it pass as agreed and described in Protocol no. 6 of the Joint Soviet-Romanian Central Commission from September 14, 1940; along the Prut River to the Danube mouth and on the Danube to the locality Pardina it pass as agreed and described in the Protocols no. 7 of September 16, and no. 8 of September 19, 1940, of the Joint Soviet-Romanian Central Commission.

b. According to Annex II:

- Along the Danube River from Pardina to the Black Sea, leaving Tataru Mic, Daleru Mic and Daleru Mare, Maican and Limba islands on the Union SSR side, and Tataru Mare, Cernovca and Babina islands on the Romanian side; the Serpents Island, located in the Black Sea, at east of the Danube's outfalls, becomes part of the Union SSR.

2. In case of disaccord between the border description from the text and that of the maps, the text description will be considered the fair one.

3. For the border demarcation in accordance with paragraph 1 of the present Protocol will be established a Joint Soviet-Romanian Border Commission, at the least within one month from the date of signing the Protocol.

4. This Protocol shall enter into force on its signature day.

Done in two copies, both in Romanian and Russian languages, the two texts having the same power"[4].

Although the text of the Protocol was making reference to the Peace Treaty, signed on February 10, 1947, in reality it was changing Romania's territorial status, stipulating that "the Serpents Island, located in the Black Sea, at east of the Danube's outfalls, becomes part of the Union SSR"[5]. Even though they had different diplomatic ranks, while diplomatic practices require that an official document must be signed by state counterparts, the Moscow Protocol was signed by Petru Groza as Romania's Prime Minister and Vyacheslav M. Molotov, USSR's Foreign Affairs Minister. The implementation of the Protocol's provisions regarding the island's concession marked the signing, on May 23, 1948, of a handover protocol of the island by Nikolai P. Shutov, first secretary of the Embassy, as a representative of the USSR's Ministry of Foreign Affairs and Eduard Mezincescu, Minister Plenipotentiary, as representative of the Ministry of Foreign Affairs of the People's Republic of Romania.

The minutes official text of the Serpents Island handover stipulated: "We the undersigned Nikolai Pavlovich Shutov, First Secretary of Embassy, as representative of the Ministry of Foreign Affairs of the Union of Soviet Socialist Republics and Eduard Mezincescu, Plenipotentiary Minister, as representative of Ministry of Foreign Affairs of the People's Republic of Romania, in virtue and in execution of Soviet-Romanian Protocol signed in Moscow on February 4, 1948, we concluded this protocol, noting that today at 12 noon (local time) Zmeinyi or Serpents Island, located in the Black Sea at 45 degrees, 15 minutes, 18 seconds north latitude and 30 degrees, 19 minutes, 15 seconds longitude east of Greenwich, was returned to the Soviet Union by the People's Republic of Romania and placed into the Union of Soviet Socialist Republics territory.

By signing this present minutes, it has been met the handover legal forms of the island.

Done on Zmeinyi Island in two copies, each in Russian and Romanian languages" [6].

According to the minutes, the expression "becomes part of the Union SSR", invoked at the Protocol signed on February 4, 1948, was changed with the expression "returned to the USSR", a completely untrue fact, lacking historical and legal legitimacy. It was obvious that it could not be returned to the USSR a territory that never belonged to it.

According to the provisions of article 2 of Vienna Convention on the Law of Treaties, signed on May 23, 1969, a treaty means “an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation”[7]. The legal term “protocol” generally defines a support document to a pre-existing treaty[8].

Concerning the Moscow Protocol, it is clear that this was not a support document for any preexisting treaty, being at most appreciated as a bilateral “understanding” imposed to Romania by the Soviet side. The Moscow Protocol was the subject of purely formal negotiations, the result being predictable even before their beginning. The Romanian delegation led by Petru Groza, was not authorized by the Romanian Parliament (Grand National Assembly) to consent or make territorial cessions. However, the leader from Bucharest signed the Protocol, although the Constitution in force at that time demanded for engagement in debates and the ratification in Parliament[9]. Basically, both the Moscow Protocol of February 4, 1948, and the minutes of May 23, 1948, had an illegal character, and the two documents embodied a circumstantial “understanding” between Moscow and its “puppets” from Bucharest, appointed to a satellite state leadership.

The ratification, a state’s sovereignty act, represents “the act of the competent state body which confers mandatory legal force to treaties signed by its plenipotentiaries (...). Therefore, only the ratification of treaties under these conditions can grant them legal effectiveness. Until ratification, they only have the value of simple projects”[10]. Consequently, the Moscow Protocol would have entered into force not on the date of its signing, but on the date of its ratification, this procedure being of crucial importance[11].

Since both the subject and the object of the document invoked were making direct mention of the state border between Romania and the USSR, its ratification by the People’s Republic of Romania’s Grand National Assembly and the USSR’s Supreme Soviet was utterly imperative, following afterwards, according to the international legal procedures, to be registered with the General Secretariat of the UN. In addition, apart from the ratification, to have international legal effect, the procedure of entering into force of a treaty stipulated also the exchange of instruments of ratification between the contracting parties.

However, given the circumstances under which the Moscow Protocol was signed, the ratification of the document was not completed and, logically, nor were completed the exchange or the deposit of the instruments of ratification. Obviously, due to these reasons, the protocol was not registered anymore with the General Secretariat of the United Nations, according to the provisions stipulated in article 102 of the Charter of the United Nations and in article 80, paragraph 1 of the Vienna Convention[12].

Proceeding to the implementation of the provisions of point 3 of Moscow Protocol of February 4, 1948, from October 24 to December 29, 1948, in Bucharest, at the Hydrographic and Aerial Photographic Office within the Ministry of Air and Navy, it was established the Soviet-Romanian Joint Commission, which had as object of activity the border delimitation between the two states, on the Prut River, the Danube’s Chilia branch and the Black Sea.

The Joint Soviet-Romanian Commission comprised two working sub commissions. Sub commission no. 1 was to carry out the border demarcation on the Danube and Chilia branch, and the sub commission no. 2 had the mission to establish the border line on the Prut River. For the first sub commission was taken into account the fact that by the Convention of navigation regime on the Danube, adopted in Belgrade on August 18, 1948, the Soviet side achieved the removal of the international regime for Chilia branch, and the maintaining of this regime only for Sulina branch, which is located only in the Romanian territory[13]. During the delimitation of the border, on Chilia branch, it was not taken into account the thalweg as border, but the right side branches. So, were including on the Soviet side not only the islands (islets) Tataru, Coasta Dracului, Dalerul Mare and Dalerul Mic, but also the Limba Island located to Chilia branch outfalls in the Black Sea. This fact extended the border line from the Musura Gulf to south of Serpents Island and in the subsequently prepared minutes of the border line description, it was stated its passage to the USSR.

In January 1949, the procedure of delimiting territorial waters started. The Soviet side presented within the Joint Commission's works a map which presented the Serpents Island as Soviet territory, with a limit of territorial waters of 12 nautical miles (Nm). Given this situation, several Romanian officers who were part of the Joint Commission refused to continue the proceedings until they received new directions from the Ministry of Foreign Affairs of People's Republic of Romania.

Following this incident, the Soviet-Romanian Joint Commission works have reached a deadlock and were suspended. After removing the "troublesome" Romanian officers from the commission, its works were completed on September 29, 1949, and on November 25, 1949, the "Treaty on Soviet-Romanian state border" and the "Border Convention between the USSR Government and People's Republic of Romania Government" were signed at Moscow[14]. After the island's takeover, the Soviet side established the limit of 12 Nm for its territorial waters, thus reaching to the atypical situation in which an uninhabited island had territorial waters bigger than those of a state (Romania – 6 Nm).

The Romanian-Soviet border issue was brought under regulation by the Treaty signed between the People's Republic of Romania Government and the USSR Government regarding the Romanian-Soviet state border regime, the cooperation and mutual assistance on border issues, signed at Bucharest, on February 27, 1961. The treaty was ratified by the Decree of the State Council of the People's Republic of Romania, no. 163, on June 20, 1961, published in the Official Monitor of the Great National Assembly of the People's Republic of Romania, no. 21, on August 11, 1961. The parties agreed that the treaty should enter into force on the day of the exchange of instruments of ratification. At the same time, the "Treaty between People's Republic of Romania and the USSR on the Romanian-Soviet state border regime", alongside with the "Final Protocol", both of them signed at Moscow, on November 25, 1949, and the "Convention between People's Republic of Romania and the USSR on the regulation of conflicts and border incidents" alongside with the "Final Protocol", both signed in the same place and at the same time as the previous official bilateral documents, became void.

The new provisions embodied in the Romanian-Soviet border treaty's text, concluded in 1961, stated the documents that governed the Romanian-Soviet boundary: "The state border line between People's Republic of Romania and the USSR was established in accordance with article 1 of the Peace Treaty with Romania, entered into force on September 15, 1947, and with the Protocol regarding the specification of the state border line's course between People's Republic of Romania and the USSR, signed at Moscow, on February 4, 1948".

In this context, the text of the Romanian-Soviet border Treaty, concluded in 1961, stated: "The state border line between the People's Republic of Romania and the Union of Soviet Socialist Republics (...) passes on the ground, as shown in:

a) Documents regarding the border landmark «Tur» set at the junction of the People's Republic of Romania, the Union of Soviet Socialist Republics and the People's Republic of Hungary borders and which is the starting point of the Romanian-Soviet state border, signed in Moscow, on July 30, 1949, by the Joint Soviet-Hungarian Commission for delimitation of the state border between the Union of Soviet Socialist Republics and the People's Republic of Hungary and by the Romanian delegation within the Joint Romanian-Soviet Commission for delimitation of the state border between the People's Republic of Romania and the Union of Soviet Socialist Republics;

b) The demarcation documents signed on September 27, 1949, in Bucharest, by the Joint Romanian-Soviet Commission for the delimitation of state border between the People's Republic of Romania and the Union of Soviet Socialist Republics;

c) Annexes and amendments to demarcation documents of the Romanian-Soviet state border which could be concluded during the validity of this Treaty.

State border line will be called below in this Treaty «border» or «border line».

Demarcation documents are:

a) Minutes of description of the state border line between the People's Republic of Romania and the Union of Soviet Socialist Republics from the border landmark «Tur» set at the junction of the People's Republic of Romania, the Union of Soviet Socialist Republics and the People's Republic of Hungary borders, to the border landmark no. 1439 set at the Black Sea;

b) Maps the state border between the People's Republic of Romania and the Union of Soviet Socialist Republics;

c) Minutes of the border landmarks with diagrams, sketches, and those annexes and additions thereto.

The border line established by the documents mentioned above separates, also, in the vertical airspace and subsoil"[15].

The Romanian-Soviet bilateral negotiations on the delimitation of the continental plateau of the two countries in the Black Sea were permanently affected by the legal status of the Serpents Island and its surrounding area. These aspects have led to the failure of bilateral negotiations and to the impossibility to reach any agreement on the matter.

Among the issues that generated a clear differentiation of both parties attitude there were the assessment manner of the Black Sea coast, the geological

criteria, the length of coast, the general direction of both states shore and the historical and legal factors in the area.

The aspects referring to the definition of the territorial sea were covered by the Geneva Conventions in 1958 and the one from Montego Bay (Jamaica) in 1982, namely during the conferences I and III of the UN Convention on Law of the Sea, as well as by the Decree no. 142 in 1986 on the establishment of exclusive economic zone, and the Law No.17 in 1990 concerning the legal status of Romania's inland maritime waters, the territorial sea and contiguous zone.

The concept of territorial sea was for the first time legally defined by the Geneva Convention in 1958. According to it, the territorial sea is defined as being that maritime area which stretches along the coastline of a state and is subject to its sovereignty. Its breadth (12 Nm – 22,224 m) “is measured from the baselines, considered as the lines of the biggest ebb along the coast or, if necessary, the straight lines that joins the most advanced points of the coast”[16].

The Geneva Convention of 1958 established a specific principle, that of the median line, which stipulates that if the “coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured”[17].

Article 15 of the Montego Bay Convention provided that “where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the States is measured”[18].

Romania proceeded to setting up the limit of its territorial waters to 12 Nm according to the Decree no. 41 of February 4, 1950, and the Decree no. 176 of September 29, 1951. The same provisions were enclosed by the Decree no. 39 of January 28, 1956. The Law no. 17 of 1990, at which elaboration it was taken into account the provisions of article 14 of the Convention of 1982, revoked any contrary provisions in the matter and establishing the legal status of Romania's inland marine waters, territorial sea and contiguous zone, adding that “the territorial sea of Romania comprises the sea strip adjacent to the coast or, where applicable, to the inland marine waters, with a breadth of 12 nautical miles (22.224 km) measured from the baseline”[19].

An issue that generated international legal concerns was the delimitation and the implementation of the continental plateau limits. On the occasion of the Geneva Conference in 1958 the “Convention on the Continental Plateau” was adopted[20]. The Convention established that the outer limit of the continental plateau shall not exceed 200 Nm, and only in special cases, well founded and justified, to be accepted a reasonable overcome. In terms of legal regulation, the continental plateau of Romania was established by the Decree no. 142 in April 1986.

On the occasion of signing the Convention, on December 10, 1982, (ratified on December 17, 1996), Romania issued the following statement, reconfirmed once again by the ratification:

“1. As a state geographically disadvantaged, near to a sea poor in living resources, Romania reaffirms the need to develop international cooperation for the exploitation of living resources from the economic zones based on fair and equitable agreements which must ensure to the states, which are part of this category, access to the economic zones of other regions or sub regions.

2. Romania reaffirms the right of the riparian states to adopt their own measures to ensure their security interests, including the right to adopt the national legislation and rules regarding the passage of foreign military vessels through territorial waters.

The right to adopt such measures is in full accordance with the Convention articles no. 19 and no. 25 as it was also issued in the Statement of the President of the UN Conference on the Law of the Sea, during the plenary session of the Conference on April 26, 1982.

3. Romania declares that, in accordance with provisions referring to equity, as shown in articles 74 and 83 of the Convention on the Law of the Sea, uninhabited islands and deprived of economic life can not affect, in any way, the delimitation of maritime spaces belonging to the continental shores of the riparian states”[21].

On the occasion of signing the same Convention, (ratified later by the Russian Federation on March 12, 1997), the USSR released the following statement:

“1. The Union of Soviet Socialist Republics declares that, under article 287 of the United Nations Convention on the Law of the Sea, it chooses an arbitral tribunal constituted in accordance with Annex VII as the basic means for the settlement of disputes concerning the interpretation or application of the Convention. It opts for a special arbitral tribunal constituted in accordance with Annex VIII for the consideration of matters relating to fisheries, the protection and preservation of the marine environment, marine scientific research, and navigation, including pollution from vessels and dumping. It recognizes the competence of the International Tribunal for the Law of the Sea, as provided for in article 292, in matters relating to the prompt release of detained vessels and crews.

2. The Union of Soviet Socialist Republics declares that, in accordance with article 298 of the Convention, it does not accept the compulsory procedures entailing binding decisions for the consideration of disputes relating to sea boundary delimitations, disputes concerning military activities, or disputes in respect of which the Security Council of the United Nations is exercising the functions assigned to it by the Charter of the United Nations”[22].

According to article 121, paragraph 3 of the Montego Bay Convention, rocks and islands which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental plateau[23].

Since 1966 new documents concerning the demarcation were signed. Initially they were endorsed at the level of the empowered border officers in the maritime sector and afterwards, during 1969-1973, at the level of the Joint Commission, when, based on the changes occurred on the field, an assessment and an update of the entire border line was made. The last official bilateral document

referring to the Romanian-Soviet state border demarcation was the Protocol between the Government of Socialist Republic of Romania and the USSR Government regarding the course of the Romanian-Soviet state border, on the dam and the artificial lake of the hydro technical knot Stânca-Costești, situated on the Prut River, signed on September 3, 1976, at Moscow[24].

The annexation of the Serpents Island by the USSR led to the failure to reach an agreement on the delimitation of the continental plateau and the exclusive economic zone in the Black Sea, the Soviet side claiming that this distinction should be made between the Serpents Island and the Romanian coast, which seriously was breaching the principles of the law of the sea, as they were established by the Geneva Convention on 1958 and later reaffirmed in Montego Bay Convention (Part VIII, Islands' Regime, Article 121, Paragraph 3, Annex 2)[25], a fact which Romanian side did not acknowledge.

The Romanian-Soviet Joint Commission's work of controlling the state border course, which activated during the '70s and '80s, concluded without significant results, especially due to the unyielding position taken by the Soviet side. At the beginning of the control done in 1982, the Soviet delegation's specific requirement was "spread as much as you want, but doesn't touch the territorial sea limit of the Soviet island Zmeinyi[26]". Furthermore, showing both ignorance about the historical truth, as well as bad will in its interpretation, the Soviet delegation, present at the bilateral negotiations held at Moscow during January 20-25, 1986, on the Black Sea continental plateau delimitation, considered, inter alia that "the island passed to Russia in 1829"[27]. In this context, it is useful to point out that the island was under Ottoman suzerainty until the Congress of Berlin in 1878, when it became part of Romania and which incessantly belonged to it, *de jure* and *de facto* until 1948, when it was annexed by the USSR.

On October 18, 1966, the Romanian authorities suggested to the Soviet side that they start, on experts' level, the bilateral talks which were aiming at handling the issues of the continental plateau delimitation and the exclusive economic zone establishment of both states in the Black Sea.

The first stage of negotiations, conducted by experts within various ministries, from 1967 to 1974, consisted of three rounds of bilateral consultations. At the discussions held on November 17, 1974, the Soviet side communicated its opinion according to which the issue of delimiting the continental plateau would be addressed during the negotiations that were to follow, at the level of governmental delegations or at a level even higher.

The second stage of official bilateral discussions comprised seven rounds of negotiations, conducted from 1975 to 1987. At first, the Soviet side submitted an official proposal, but during the second round of talks it withdrew the previous proposal and turned back to a set of proposals it had made known in 1967. During the negotiations in 1977, the Soviet side unofficially informed the Romanian counterparts that it was willing to come up with a new proposal for the delimitation of the continental plateau, provided that, the Romanian representatives set up also a new proposal that would be in accordance with the requirements of the Soviet side. The following year, the Soviets refused to make any concessions, thus coming back

to the initial situation of negotiations from 1967, to which it had not been brought significant corrections.

The bilateral negotiations regarding the continental plateau delimitation of the two countries in the Black Sea, conducted from 1967 to 1987, have been permanently affected by the legal status of the Serpents Island and its surrounding area, facts that led to the failure of these endeavors and to the impossibility to reach any agreement on this matter. As a result of this situation, during 1987-91, the two states did not come back upon this contentious bilateral issue.

Among the issues that generated a clear differentiation of both parties attitude there were the assessment manner of the Black Sea coast, the geological criteria, the length of coast, the general direction of both states coasts and the historical and legal factors in the area. In this respect, the Romanian side, taking into accounts the fact that the Serpents Island did not have its own continental plateau, argued even from the beginning of the bilateral negotiations that from geological point of view does not exist it cannot have legal recognition.

Compared to the Romanian point of view, the Soviet side said that the object of negotiations only concerned the continental plateau delimitation, as for others matters it did not have jurisdiction to tackle them. It was stated that the common border was established by the Paris Peace Treaty of 1947 and other subsequent bilateral documents, the Soviet side expressing its query regarding the fact that the Romanian side had such an approach on the issue. In addition, the Soviet side added that the Serpents Island's territorial waters were not separated from the USSR's continental ones, setting up a whole. Since the beginning of the bilateral negotiations, the Romanian side argued and expressed its point of view according to which the issue of Serpents Island was a "special circumstance" and since it had a small area, was not populated and did not have its own economic life, naturally could not have, and not even cause effects on the continental plateau delimitation[28].

Romania's first official proposal was advanced on July 30, 1975, and was stating that, on the northern side, the horizontal line which started at the confluence of Musura Chanel with the Black Sea must pass up the territorial waters of Serpents Island, and afterwards to continue along the line of the geographic parallel. For the plateau of the opposite shores, one proposed the median to be used, as the 1967's version.

While the second official proposal from the Romanian side, submitted on August 2, 1975, entailed a number of technical aspects, the third official proposal, presented on January 26, 1977, was stating that the demarcation line should have each point situated at an equal distance with the nearest points on the Soviet and Romanian shore[29].

The Soviet side, taking into account the fact that between the demarcation proposed by it and the one presented by the Romanian side there was a maritime area with a surface of approximately 7,500 km², proposed three options to delimit the continental plateau which were targeting an area of 2,000 km², 3,000 km², respectively 4,000 km² from 6,000 km². Assessing the set of Soviet proposals, the Romanian side considered that apart from the fact that they did not correspond to the

interests of Romania in the Black Sea, they were infringing the international practices and Romania rejected *in corpore* these proposals.

CONCLUSIONS

The historical perspective revealed that the principles of boundary delimitation were invoked only to the extent that Soviet interests were not “injured”. Compared to this, the Romanian side sustained its positions with arguments without breaking under the Soviet pressure. At the XV-th session, the minutes signed by both delegations stipulated that “the Romanian delegation cannot agree to the Soviet delegation’s assertion, that the way the border was marked at session X-th and XI-th would be a violation of the Peace Treaty’s provision of 1947 or of the Protocol of 1948, and shows that the arguments stated are irrelevant to the matter under discussion, leading to the wrong conclusions and unacceptable consequences. (...) The acceptance of the interpretation offered by the Soviet delegation would lead over the time – due to changes in water courses – to the result, for the Romanian side, to not have access to the Danube and Chilia Branch, which would remain on the Soviet territory – which is unacceptable and it will never be accepted by Romania”[30].

In its turn, the Soviet side withdrew the entire set of proposals so that at the end of those ten rounds of negotiations on the continental plateau issue, carried out during 1967-87, the two parties did not harmonize their positions and, therefore, no bilateral agreement was reached. Until the USSR’s dissolution, there was not held any other round of negotiations on this matter.

References

- [1] Dominuț I. Pădurean, *Insula Șerpilor*, Editura Muntenia, Constanța, 2004, p. 7.
- [2] Ioan Scurtu (coord.), *România – Viața politică în documente – 1947*, Arhivele Statului din România, București, 1994, p. 92.
- [3] Grigore Stamate, *Frontiera de stat a României*, Editura Militară, București, 1997, p. 77.
- [4] *Culegere de tratate, acorduri, convenții, protocoale și acte normative interne privind marea teritorială și apele de frontieră ale Republicii Socialiste România*, partea I, Editura Militară, București, 1979, p. 162.
- [5] Dominuț I. Pădurean, *op.cit*, p. 163.
- [6] *Ibidem*, pp. 347-348.
- [7] Nicolae Ecobescu, Victor Duculescu, *Dreptul tratatelor*, Editura Continent XXI, București, 1995, p. 14.
- [8] *Ibidem*, p. 17.
- [9] Ion M. Anghel, *Dreptul tratatelor*, vol. I, Editura Lumina Lex, București, 1993, p. 2.
- [10] Nicolae Ecobescu, Victor Duculescu, *op.cit*, p. 33.
- [11] Ion M. Anghel, *op.cit*, p. 387.
- [12] Teodor Meleşcanu, Iulia Voina Motoc, *Droit International Public*, Editura Universității din București, 1996, pp. 43-44.

- [13] Gheorghe Gheorghe, *Tratatele internaționale ale României 1939-1965*, Editura Științifică și Pedagogică, București, 1983, p. 149.
- [14] Dominuț I. Pădurean, *op.cit*, pp. 364-367.
- [15] Gheorghe Gheorghe, *op.cit*, pp. 316-317.
- [16] *Ibidem*, pp. 388-389.
- [17] Grigore Stamate, *op.cit*, pp. 101-102.
- [18] Teodor Meleşcanu, Iulia Voina Motoc, *op.cit*, pp. 176-177.
- [19] Dominuț I. Pădurean, *op.cit*, pp. 391-392.
- [20] Gheorghe Gheorghe, *op.cit*, pp. 270-271.
- [21] UN Convention on the Law of the Sea, www.un.org/Depts/los/convention_agreements/convention_declaration.Romania.
- [22] *Ibidem*, www.un.org/
- [23] *Ibidem*, www.un.org/
- [23] *Culegere de tratate, acorduri, convenții, protocoale...*, pp. 185-194.
- [24] *Culegere de tratate, acorduri, convenții, protocoale...*, pp. 185-194.
- [25] UN Convention on the Law of the Sea, www.un.org/
- [26] Grigore Stamate, *op.cit*, p. 151.
- [27] Dominuț I. Pădurean, *op.cit*, p. 226.
- [28] Dumitru Mazilu, *Dreptul mării. Concepte și instituții consacrate de Convenția de la Montego Bay*, Editura Lumina Lex, București, 2002, pp. 48-49.
- [29] Dominuț I. Pădurean, *op.cit*, pp. 416-419.
- [30] *Apud* Grigore Stamate, *op.cit*, pp. 173-175.

THE LONG WAY FROM INTERCONNECTION TO UNIFICATION. PROJECTIONS AND POLICIES OF THE EUROPEAN UNION IN THE FIELD OF TRANSPORT BY RAILWAY

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Abstract:

Our approach to historical analysis and reveals some aspects of railway history, in terms of international relations, starting with a series of analyzes of ideas, trends of thought on the field during the twentieth century, the projections and European Union policies to railways and ends with some conclusions on their prospects.

Keywords: *railways, transport policy, railway legislation, globalization.*

I. THEORIES OF THOUGHT AND POLITICAL ACTION IN THE EUROPEAN RAILWAY XX-XXI CENTURIES.

1.1. Statist and nationalist formula perpetuation of the nineteenth century (1920 – 1980).

A look at economic policy thinking, in the railway field, we show that, throughout the twentieth century, the catalyst was the state of all theories and debate its role, the main actor on the rail market. The decline of railways began in the '20s, when, gradually, competition – car, plane, made it's presence strongly felt, that, after 1945, railroads had to give leadership in passenger and freight transport. Another important factor of the decline and change of railroads, was the mentality of the population, especially after the two world wars. New generations, other ideas and values, life should be lived as it was, with its unpredictability. The railway symbolized in one way or another, well-defined contours, an ordered space, which have a specific purpose in conflict with the spirit of the age – free trip hazard, intellectual vagrancy^[1] of the Beat Generation of the '50s, the great advantage of the main competitor of the train and railway –cars and highways – was that they did not impose any constraint.

The response of national states, adopted immediately after the war, was a mistake, in our opinion and contradictory: on the one hand, there was belief that the nationalization of private lines, or the massive state subsidies, rail will be revitalized, on the other side were encouraged highway construction, automotive and aviation development. Railway nationalization of private sector proved to be as appreciated^[2], and a nationalist reaction, as foreign capital was a strong presence in the rail sector. The first type of policy ended with a major failure caused huge social pressures to hire workers in the railway sector, investment in economic projects

unprofitable lines, inadequate funding solutions – namely access to finance loans that have weighed down the finances of the states. A UN^[3] report identifies no fewer than 16 major causes of decay sector, and the list is still open.

1.2. Towards a new paradigm of globalization imposed in the last three decades: the vertical separation, privatization, deregulation, liberalization(1980 – 2010).

In the early 1960s and 1970s tried to restore financial balance without much success, the debate on sustainable solutions, which lead to another paradigm, delayed, become consistent until the early '80s when they raised new patterns of organizational models of railways: vertical separation, privatization, deregulation^[4] plus the idea of liberalization. New theories on the reorganization of the railway sector, faced with a number of features derived from the organization model railroads which apparently seemed hard to beat: railways are among the most regulated sectors of the economy, multidimensional in nature (produce a wide range of services for various clients, including several types of services, radically different) rail acts as a monopoly with a long life in a geographical area and the services we provide are continuous, frequent, and as a universal rule - produce losses. Above assertions were a significant part of the rhetoric of opponents changes in railway.

Powerful unions and management of the railway sector, concerned to maintain some positions, other privileges, have acted as true lobbyists, fighting to preserve the status - quo, their strategy has been successful for decades until the desperate situation of the railways required other approaches. A profound reflection on the ideas above, leads to the conclusion that they are the result of 150 years of existence and diffusion of railways in Europe. Components of the new model was developed by the American school, whose undisputed leader and theorist from 1960 to 2000 was Professor John R. Meyer^[5]. His theories on the cost analysis, which stood in the center of debates in environmental decision-Americans in the late '70s.

The concept of vertical separation of the railways came in the early 80s and had similar experiences as a model of telephony and energy. It consists in separating the two railway companies: infrastructure and transport itself. Its origins have been two major goals: the introduction of competition in a sector considered, as noted above, natural monopoly and facilitate privatization. This raised a number of legitimate concerns arising from seemingly difficult choice questions: separation will lead to dysfunction, lack of coordination, which will lead to chaos? How can privatize national scale undertaking, with hundreds of thousands of employees, the impact of social, political, and major railway company? Who has money to invest? It may be that the railway system to be purchased by an investor that is a neighbor and that is a threat to national interest? In Europe, the first country to find the solution was Sweden, which in 1988 split the rail system: infrastructure company and train company. The idea was apparently simple: anyone who wanted to operate on a route, he could rent, buy, rolling stock, paid an amount for infrastructure. The concept had significant advantages: facilitate competition between different operators, mark the entrance of private capital, derobarea mean huge state spending and deficits generated by railways. Three years later the idea was taken and C.E. translated into a directive that we will analyze later.

The concept of privatization was the same reasons the sector reform. Privatization wanted to introduce, in fact, competition in this sector. Its advocates claim the power of competition, seen as the universal panacea that generate progress and technological innovation. The basic model was that of the U.S., which has a long tradition of existence of private railway lines, very successfully privatized rail freight sector. United Kingdom was the state that had the most aggressive policy of privatization of railway from Europe: a privatized/leased^[6] infrastructure and passenger transport.

The concept of deregulation, neoliberal thinking typical system, the railway meant the withdrawal of as much as possible the state of the system and encouraging competition, seen as the only engine capable of generating technological innovation, increasing profit and reducing structural deficits accumulated over time.

The concept of market liberalization and opening them to competition, was in a strong interdependent relationship to the three concepts outlined above, is based in the EU, the following ideas: internal or external private capital entering the railway sector in all Member States and facilitating competition seen as the only way to profitability and innovation in a sector long building.

1.3. A critical look at the models of globalization.

All these concepts/models marked a radical break with the past, they came after more than 100 years of excessive regulation of railroads, the presence of the state as the main actor of the area. Recent research considers that it takes at least 25 years, so that new models can be implemented and effective^[7]. Remains difficult as a judgment on the success or failure of these new policies in the rail, each having its own strengths and threats. For example, if the vertical separation, railways remain unattractive because, although they made substantial investments in high-speed trains, market share is declining, this discourages potential investors and the sector becomes less attractive than of telecommunications, aviation, energy, which have been applied, successfully, the same concepts and strategies. Other arguments against the new trend of reform ideas are connected, in principle, the critical issues raised by various reports of railway entities, regulators in most advanced countries in the reform^[8], are opinions^[9] who believe that separation will not rail operators to reduce arrears and duties of the carrier, the operator will multiply costs significantly. Another study by the Pfund, advances conclusions argue that economy will be short term losses, for long-term quality, standards downwards quality rail services will not invest in high-risk and high-speed infrastructure^[10]. Another skeptical remark, in fact, free acces (deregulation, privatization) will not move trucks on highways (an allusion to the battle to regain market share by rail in front of its competitors), but state locomotives would be replaced with someone else's^[11].

1.4. The problem-solving national rail: TGV-mania

If the practices of globalization and analyzed by us above, were mainly British-American model diffusion and, finally, replication of the realities, particularities and traditions of European rail^[12], one different from the U.S., we say through a strong national character. We believe that attempts should be compared on their own, the individualistic countries such as France, Italy, Germany, who have tried since the early 80s, to build a paradigm different from the U.S. to revitalize railways - regaining share market by retooling and rethinking the railway area, in

case the station. Was not necessarily an innovative solution, based, essentially, the same model to ensure the supremacy of railway transport between 1830-1920, namely market domination through technological innovation, which minimized the presence of the state sector, inefficient management, social reasons, factors generators of problems in the years 1950-1980. As with the American model, to reform the railways, the refurbishment, the new concept of taxation was one of time - about two decades.

Champion of this concept, I would say alternative was France, TGV project creator became appreciated as Georges Pompidou, French technique new dimension of greatness. TGV concept have three major advantages: speed, fare, remodeling space. This means, at the same time, a revolution whose values had to be exported, such as the revolution of 1789 throughout Europe. The success of the line Paris-Lyon TGV marked the beginning of TGV mania, but more importantly speed record: the original commercial speed was 270 km / h in 1981, on May 18, 1990, on the southeast line between Saint-Pierre-les Courtaulin Corps, amazing speed TGV reached 515.3 km, and in 2007, reached speeds of 574.8 km. In Europe, high-speed battle begins (and multiplied phenomenon under various names: TAV in Italy, the UK HST, AVE in Spain).

French paradigm, derived from a strong corporate culture, does not follow the American concepts school of thought, meant only to ensure profitable railways, accepted model of privatization, deregulation, took only what was convenient separation vertical and making the company public SNCF, free access to the European rail market, which enabled him to export his model of a railway imperialism allowed him to successfully enter the rail markets of neighboring states.

1.5. The global decision - involvement of the factors and the over state institutions.

Contemporary railway world knew an interesting phenomenon, that of appearance in the last 4-5 decades, the actors and policy makers of key railway, other than the traditional ones. They have facilitated restructuring / rail dynamic and marked, in Europe, an evolution from the first steps of the nineteenth-century idea of interconnecting^[13] railways internationally, to the unity which is ongoing. B.M., IMF, EBRD, UNO, C.E.E., U.E. are actors who have contributed through advice, analysis, surveys, reports (if international organizations), through direct political decisions - If EEC, EU and by establishing a single European system, funding or loans (subject to the adoption of reform measures based on neoliberal concepts discussed above), which led to a large extent a new development of railways.

II. EUROPEAN UNION. POLICIES AND PROJECTIONS OF RAIL.

2.1. The concept of a common transport policy (PCT)

Railway policy of the European Community and later the European Union has an interesting history, since it reflected, in fact, the evolution of European construction going through the same stages of the legal framework, institutions and the operation conducted in the spirit of the principles underlying to the European idea. The first document^[14], of the railways were developed in the early 60s and they replied to the wish to facilitate the free movement of people, goods, within the

space community. They were based on binomial liberalization - harmonization of transport, as pledged the signatory of the Treaty of Rome, when they adhere to the idea of a PCT. We could say that the '70s and '80s were marked by a stagnation of creating a common interest in the rail, as there were several factors that hindered the process: defense reasons, ordering the largest rail network part to serve national interests, etc. The period between 1969 and 1991^[15] was characterized by the creation of commissions, advancing a number of ideas, laws, the creation of a common transport policy of the Railway without a very coherent political and focused on this area. Nation states were not yet ready to move to another logical transport.

2.2.Case Study: Directive 91/440/EEC

Beginning of globalization, liberalization, initiated by the U.S. and Britain, and the Cold War led to reassessment of the whole European policy, institutional and legislative transformation of the idea of a united Europe and to initiate dialogue with countries of the former communist bloc. These conversations led to the idea of pan-European corridors, which were to play an important role in shaping a vision of continental makers. Between 1990-1991 having as a model the French high speed lines, European officials planned to build similar lines, so came the concept of trans-European transport network, a concept that would make a spectacular career in the European transport policy, their inclusion in all documents last two decades. Age considered here, 1991-2007, was characterized by accelerating the crystallization of strategies and actions unprecedented in previous periods, which would contribute to proliferation financing and policy makers in the area of interest and a role was played and Commissioners transport, particularly Karel Van Miert (1989-1992)^[16], who were the true catalysts for transformation sector. The theoretical development of these policies required scientific research in transport, which materialized through the development of reports, statistics for quantitative analysis of the transport sector. Data from these were becoming increasingly worrying - accidents, congestion, pollution, blocking huge costs and delays incumbent upon the European economy, compared with its global competitors and alternative solution was to generate a coherent policy in the transport: the restructuring and development of rail, maritime revitalization. Landmarks of this policy we will analyze and synthesize the lines below. In 1991^[17], was adopted the first directive - 91/440/EEC, which proposed a unified vision and innovative rail. It proposed five objectives: financial remediation railway companies of the Member States, accounting and financial independence from state accounting distinction between the operation and management of the national rail network, open national network similar to other European companies, encouraging international companies to operate railway intra-community links. Basically, by this Directive, revolutionize rail transport policy and place in Europe, macro-scale globalization concepts. Effects of the Directive have resulted as follows:

- Eurotunnel was the first great creation of this Directive and Eurostar, which manages the railway under the English Channel linking Britain and France, is a company created in the spirit of the Directive by BR, SNCF, SNCB.
- Thalys, another international company, was created with the idea of uniting cities: Paris-Brussels-Koln -Amsterdam, in principle it is more a French project,

inaugurated in 1999, it emphasized the ownership structure: SNCF - 62% of actions, SNCB 28%, DB.AG - 10%. Based on the success of Eurostar, Thalys, SNCF has developed establishment or European partners: Artesia (Paris-Venice) and Alleo (Paris-Munich-Stuttgart), Ellipse - (Paris-Barcelona-Madrid). Interestingly, if Alleo company (ownership structure is holding an equal share of the SNCF and DB AG). Alleo is defined as a symbol of Franco-German understanding.

The results presented above are just some effects, I say good, because it is the reverse: to transpose relatively difficult in practice^[18] (there was an opposition-sector employees entitled to between 1980 to 1990^[19], the French rail industry, to example, 32,000 workers were fired, and from 1990 to 1996 - 66,000 people were laid off, have been hard to persuade politicians^[20] to implement the Directive and to transpose them into national legislation needed to prevent abuse of dominance etc. A former director of French Railways, said that virtually Directive is a tool that encourages intra-EU trade war, by allowing domestic operators of private, domestic or foreign, that is an attack on the railway companies. The year 1992 was crucial for transport policy, including rail, marked a new phase of the PCT^[21]. Adoption in February of the Treaty of Maastricht implicit EU and the establishment of Community transport policy by Encouragement for the establishment and development of trans-European networks^[22]. Title XII of the Treaty defined the concept of trans-European transport network and its principles: interconnection, interoperability, standardization.

Inclusion of a title in the Treaty on transport generated an encouraging sign for policy development in this sector. Treaty, beyond the new concepts, announced, in fact, sanctioned, hiring U.E. the main authority in planning and financing trans-European projects.

CONCLUSIONS

Facts, ideas, presented in the present study lead us to the following objectives:

- The last three decades worldwide began a comprehensive transformation of the rail sector, the major cause of this transformation process was generated by: loss of market share supremacy in transport caused by the lack of technological innovation, poor management, intrusion factor political and direct consequence of the accumulation of huge deficits
- National states have been repositioned in decision making, the emergence of new players forced by globalization: supranational bodies (EU), international organizations (IMF, WB, EBRD, EIB, etc.) Whose decision-making tends to be more higher than traditional state;
- The transformation is endorsed by the ideas of neo liberalism - privatization, deregulation, liberalization, and run through a mix of action: implementing legislation based on the above concepts, and technological innovation
- In Europe the last two decades the main actor of the changes became EU railway sector Action U.E. in the railway sector has two dimensions: conceptual, creative, manifested in legislative plans (creating specific legislation: directives, regulations, legislation packages railway programmatic documents - white paper)

Institutional (creating institutions and agencies to manage policies in the field), technical (route planning, European transport network) and an implementation-monitoring is the implementation of the legislation, policies and priority projects and managing relations with the Community.

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References

- [1] See widely the analyze to phenomenon in Pablo, Prato, Gianluca, Trivero, 1989, *L'imagery of the means of transport between XIXth and XXth centuries*, Shakespeare Company, Naples, p.23.
- [2] See José, A. Gómez- Ibañez, Ginés de Rus, 2006, *Competition in the Railway Industry. An International Comparative Analysis*, Edwar Elgar Publishing, Cheltenham, p.4. and Olli – Pekka, Hilmola, Bulcsu, Szekely, 2006, *Deregulation of Railroads and Future Development Scenarios in Europe*, Research Report 169, p.32.
- [3] ONU, Economic and Social Commission for Asia and the Pacific, 2003, *The restructuring of Railways*, New York, taken from <http://www.unescap.org/>. accessed at 10.02.2012.
- [4] José, A. Gómez- Ibañez, Ginés de Rus, *op.cit.*, p.1.
- [5] John Meyer (1929-2009), was a professor at Harvard and Cambridge universities, consultant and expert for the U.S. government, World Bank, EBRD, one of the best connoisseurs, transport systems theorists, his work containing numerous studies on transport of U.S., USSR, China, EU.
- [6] While in most EU countries from the preferred transformation of state enterprises public railway companies of State.
- [7] José, A. Gómez- Ibañez, Ginés de Rus, *op.cit.*, p.150.
- [8] For example, an Australian Productivity Commission report identified a number of disorders caused by separation of railways in several companies: difficulties of coordination between various rail entities, interface problems, because an operator through different railway networks with multiple managers and owners, complications associated with train schedules, capacity management brings difficulties in administration and services prices, there are very large initial costs arising from separation-cited Andrea, Nuzzi, 2009, *Towards Year 2010, European Transport Policy Issues in Railways and Motorways*, G.Giappichelli Editore, Turin, p.61,62.
- [9] Andrea, Nuzzi, *op.cit.*, p.62, cited O'Sullivan, Patel, Pfund studies.
- [10] *Ibidem*, p.62.

[11] *Ibidem*, p.92.

[12] Vittorio, A.Torbianelli, Agosto 1999, *La questione dei canoni di accesso all'infrastruttura ferroviaria. Guida al dibattito teorico per una politica europea*, ISTIEE, Trieste, p.7.

[13] It should specify that, in the nineteenth century, an important role had the conferences that have standardized certain procedures, technologies, and have concluded bilateral or multilateral cooperation between countries, thus facilitating the road long and winding road to unification. View this issue extensively Anastasiadou Irene, *International Railway Organization in 19th century Europe and 20 th*, 2005, <http://cms.tm.tue.nl/tie/files/pdf/WD.9.Anastasiadou.pdf>, accessed 03/05/2012.

[14] In 1961 it adopted a memorandum on the PCT, 65/271CEE Board decision in 1965.

[15] We can count: Regulation No 1191/69 EEC, which regulate the public transport service obligations, including rail from the Community, Directive 75/130/EEC, which introduced common rules for combined transport of goods by rail.

[16] Karel Van Miert (1942-2009), nicknamed The little Belgian had a remarkable political career European MEP, between 1979-1985, European Commissioner 1989 to 1999, reporting and leader of some commission. As the British Guardian appreciate, from June 25, 2009, Van Miert was one of the most powerful European politicians, charming, fluent in five languages, promoter of open market policy, the government and politicians were sometimes furious by him, but his belief have imposed.

[17] Behind the adoption of this Directive was the initiative of the European Parliament C13/1983 action that triggered the European Court of Justice, penalize the Council of Europe, who opposed the PCT. Two years later, the Council was found guilty. The consequence has been adopted since 1985 a program to develop a free market, which was completed in 1992.

[18] Transport White Paper 1996, Annex II, noted that Belgium, Italy, Luxembourg, Portugal and Spain not only partially complied with the Directive, and Greece apply. View <http://europa.eu/documents/>, accessed 04/02/2012.

[19] However the drastic social costs have been in the U.S., where, in 1980, 458,000 employees worked for the railways and in 2000, only 168,000 - cf Olli-Pekka Hilmola, Bulcsu, Szekely, *Deregulation of Railroads and Future Development scenario in Europe*, Research Report 169, p.13.

[20] In France, for example, only on May 9, 1995, was transposed into French law by Decree 95/666, after the permanent political class had ominous specter of a large SNCF strike and different approaches to politicians.

[21] http://aei.pitt.edu/1116/1/future_transport_policy_wp_COM_92_494.pdf., accessed 6.01.2012.

[22] <http://eur-lex.europa.eu/eng>, accessed 12.12. 2011.

Bibliography

CANALI, Carla, 1992, *La Ferrovie dei paesi comunitari alla vigilia del 1993. Aspetti tecnici ed economici dal 1984 al 1989*, Grafiche Step Editrice, Parma.

- CANALI, Carla**, 2006, *L' Europa dei trasporti*, Azzali, Parma.
- CARLO, Simone**, 2005, *Le ferrovie in viaggio verso L'Europa, la liberalizzazione delle ferrovie*, Maggioli Editore, Roma.
- FRESSOZ, Marc**, 2011, *Failite a Grande vitesse.30 ans de TGV*, Paris.
- IBANEZ, Gomez; JOSE, A.; TYE, William B., WINSTON, Clifford**, 1999, *Essays in Transport Economics and policy*, Brookings Institution Press, Washington.
- IBANEZ, Gomez; JOSE, A.; RUS, Gines de**, 2006, *Competition in railway industry: an international comparative analysis*, MPG Group, Cheltenham.
- MOREAU, Defarges Philippe**, 1998, *Les institutions européennes*, Armand Colin, Paris.
- NUZZI, Andrea**, 2009, *Towards Year 2010, Issues in European Transport policy Railways and Motorways*, G.Giappichelli Editore, Torino.
- STEVENS, Handley**, 2004, *Transport Policy in the European Union*, Palgrave MacMillan, New York.
- Research in Transportation economics*, volume 20, 2007, Railroad economics, Scott, M.Dennis, Wayne, K.Tally, JAI Press, Amsterdam.

MAINTAINING DIPLOMATIC RELATIONS BY NEGOTIATING TECHNIQUES AND ALTERNATIVE METHODS IN SOLVING DISPUTES. CASE STUDY AND HISTORICAL PRESENTATION OF THE SNAKE ISLAND

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Abstract

Snake's Island, with an area of 17 hectares, is not so important from the territorial point of view, but instead, it has a very high importance from the point of strategico-military view. The continental shelf around the Snake's Island was the subject of a dispute between Romania and Ukraine, dispute that was tried at the International Court of Justice (ICJ), in Hague. The Romanian-Ukrainian dispute point was primarily strategic — access to the territorial waters and economic opportunity — the exploration and exploitation of resources, possibly hydrocarbons. Both sides have said before the final decision of the Court, that they will comply it, whatever that will be.

Keywords: *snake's island, negotiation techniques, diplomatic relations, diplomatic strategy.*

HISTORICAL SEPARATION

In Europe, early modern diplomacy's origins are often traced to the states of Northern Italy in the early Renaissance, with the first embassies being established in the 13th century. Milan played a leading role, especially under Francesco Sforza who established permanent embassies to the other city states of Northern Italy. Tuscany and Venice were also flourishing centres of diplomacy from the 14th century onwards. It was in the Italian Peninsula that many of the traditions of modern diplomacy began, such as the presentation of an ambassador's credentials to the head of state.

During that period the rules of modern diplomacy were further developed. The top rank of representatives was an ambassador. At that time an ambassador was a nobleman, the rank of the noble assigned varying with the prestige of the country he was delegated to. Strict standards developed for ambassadors, requiring they have large residences, host lavish parties, and play an important role in the court life of their host nation. In Rome, the most prized posting for a Catholic ambassador, the French and Spanish representatives would have a retinue of up to a hundred. Even in smaller posts, ambassadors were very expensive. Smaller states would send and receive envoys, who were a rung below ambassador. Somewhere between the two was the position of minister plenipotentiary.

Diplomacy was a complex affair, even more so than now. The ambassadors from each state were ranked by complex levels of precedence that were much

disputed. States were normally ranked by the title of the sovereign; for Catholic nations the emissary from the Vatican was paramount, then those from the kingdoms, then those from duchies and principalities. Representatives from republics were ranked the lowest (which often angered the leaders of the numerous German, Scandinavian and Italian republics). Determining precedence between two kingdoms depended on a number of factors that often fluctuated, leading to near-constant squabbling.

Ambassadors, nobles with little foreign experience and no expectation of a career in diplomacy, needed to be supported by large embassy staff. These professionals would be sent on longer assignments and would be far more knowledgeable than the higher-ranking officials about the host country. Embassy staff would include a wide range of employees, including some dedicated to espionage. The need for skilled individuals to staff embassies was met by the graduates of universities, and this led to a great increase in the study of international law, modern languages, and history at universities throughout Europe.

The elements of modern diplomacy slowly spread to Eastern Europe and Russia, arriving by the early 18th century. The entire edifice would be greatly disrupted by the French Revolution and the subsequent years of warfare. The revolution would see commoners take over the diplomacy of the French state, and of those conquered by revolutionary armies. Ranks of precedence were abolished. Napoleon also refused to acknowledge diplomatic immunity, imprisoning several British diplomats accused of scheming against France.

After the fall of Napoleon, the Congress of Vienna of 1815 established an international system of diplomatic rank. Disputes on precedence among nations (and therefore the appropriate diplomatic ranks used) persisted for over a century until after World War II, when the rank of ambassador became the norm. In between that time, figures such as the German Chancellor Otto von Bismark were renowned for international diplomacy.

I. DIPLOMATIC STRATEGY OF NEGOTIATIONS

Real world diplomatic negotiations are very different from intellectual debates in a university where an issue is decided on the merit of the arguments and negotiators make a deal by splitting the difference. Though diplomatic agreements can sometimes be reached among liberal democratic nations by appealing to higher principles, most real world diplomacy has traditionally been heavily influenced by hard power.

The interaction of strength and diplomacy can be illustrated by a comparison to labor negotiations. If a labor union is not willing to strike, then the union is not going anywhere because management has absolutely no incentive to agree to union demands. On the other hand, if management is not willing to take a strike, then the company will be walked all over by the labor union, and management will be forced to agree to any demand the union makes. The same concept applies to diplomatic negotiations.

There are also incentives in diplomacy to act reasonably, especially if the support of other actors is needed. The gain from winning one negotiation can be much less than the increased hostility from other parts. This is also called soft power.

Many situations in modern diplomacy are also rules based. When for instance two World Trade Organization countries have trade disputes, it is in the interest of both to limit the spill over damage to other areas by following some agreed-upon rules.

The word „negotiation” is often associated spontaneously with trade, although, etymologically speaking, *negotium* doesn't specifically designate trade, but dynamism, activity, business (in global sense) and interests outside the family sphere. In 1530, commerce was otherwise understood, as a „discussion to develop a law text” (*First decade* by Titus Livius). Commercial size inflicts gradually as a main sense and thus reaches *negotiatio* form – trade.

More broadly, negotiation, now, is „an exchange of views in order to establish an agreement” (Petit Robert) or „an activity that puts in interaction more actors, while facing with disputes and interdependent, which choose (or think is more appropriate) to willingly seek a mutually acceptable solution”.

Negotiation is a dialogue focused on a problem to be solved by following a mutually acceptable agreement.

Negotiation is traditionally used for business or to take collective decisions or to manage conflicts. Decisions or business can be: a sale, subcontracting, job, new work program, etc. But all businesses and decisions can become conflicting in case of deadlock in a negotiation which doesn't take place after forecasts. Therefore, there is continuity between project negotiation (business decision) and conflict negotiating. If we adopt a definition of conflict focused on nature and not the consequences, than negotiation involves a tension of conflict or a latent conflict.

A conflict is a meeting between projects, emotions or representations seen as opposites or incompatible and can cause, opposing, a blockage or a disorder.

Strike, for example, doesn't define conflict itself, but a possible consequence of poorly managed conflict. Conflict can arise in defining the work program, when the manager tries to reduce costs, while employees want to keep balance with family life, which creates a tension that people will know or not to manage, depending on the capacity to devise a mutually acceptable agreement.

II.NEGOTIATOR'S INDIVIDUAL

The negotiation outcome depends to a great extent on the contribution made by people who negotiate. They have different personalities, approaches, different individual reference systems and perceive reality in a special way.

2.1. Personality of negotiator

Personality is the relatively stable framework of thoughts, feelings and behaviours, which gives the individual uniqueness.

Over time, through the major contributions of some researchers (Freud) theories were developed based on which different types of personalities have been analyzed. Thus, the classification theory is known in the introverted personality type

(characterized by self-orientation, lack of communication, shyness) and extrovert (characterized by outward orientation, expansion, communication, inclination to action, tend to dominate). Negotiating individual personality traits have an influence on his style of negotiating. However, for a professional negotiator, natural inclinations of his personality are covered by other factors, such as: circumstances, preparing the negotiation, professional experience, different techniques used (e.g. delaying tactics or exaggerated politeness).

2.2. Negotiator skills

Negotiator skills are the inclination and mental qualities of the person that condition the performance of a good negotiation process.

Job-related skills of a negotiator are: self-control, patience, flexibility, motivation and positive thinking. And to these, in particular, creativity.

Self-control contributes to a relaxed mental state, a good intrapersonal communication and allows the negotiator to exploit its resources better. Consolidating the attribute is a balanced lifestyle, which includes enjoyable activities (reading, music, sports) and a non-verbal balancing technique is smile.

Patience is essential for the negotiator, which should address the various points of the negotiating agenda in accordance with his pace or the partner's in the process.

Flexibility is a central point in the negotiator's behaviour, because he must adapt to different situations that may arise and to different types of people. During negotiation, may move from one state to another, from kindness to anger, from generosity to stubborn, and adapting to these changes, he can be maintained on the ground of a good understanding, this way avoiding the conflicts.

Creativity is one of the qualities of the negotiator which is a source of power. This allows him to develop new perspectives on the problem and to find unexpected solutions, especially in the block moments of negotiation.

Positive thinking is manifested by optimism on the action results and by confidence in judgement and his efforts. Obviously, positive thinking must always be rational and realistic.

Self-motivation is awareness of interests, needs, motives behind the action taken by the negotiator. To be kept motivated, he should always view the causes that determine his action.

The attitude that the negotiator has towards the negotiating activity gives him the tendency to adopt a specific approaching style of this process. There are several models of negotiating styles, as a natural inclination to adopt certain behaviour. Negotiating style is also influenced by the national culture of the negotiator; this way different negotiators can be described according to their country or geographic area.

III. TECHNIQUES USED IN THE NEGOTIATING PROCESS

More broadly, negotiation, now, is „an exchange of views in order to establish an agreement” (Petit Robert) or „an activity that puts in interaction more actors, while facing with disputes and interdependent, which choose (or think is more appropriate) to willingly seek a mutually acceptable solution”.

Negotiating techniques can be defined as those procedures used in the process of confrontation and cooperation, in order to enforce policy objectives initially pursued.

Between techniques and negotiating tactics there is a strong connection, them being interdependent in the negotiating process and both being used to accomplish the objectives pursued in the negotiation.

When negotiating there are a variety of techniques, which can be grouped by several criteria. So, are known:

3.1 Limited mandate technique; short-circuiting technique; false concessions technique

In many ways it is used the „limited mandated technique”, aiming the lowering partner’s aspirations. Experience proves that using this technique determined the growth of cooperation spirit of the partner, interested in – limits provided in the mandate – reaching o more favorable agreement.

In case the negotiating team of one party, its leader is known as a difficult person, then it is used the „Short-circuiting technique”, by communication from the other team of changing participants, meaning that, instead of negotiations at a ministry level, the situation can change and be at an ambassador level, general manager or another level.

„False concessions” are often used in negotiating process. This techique gives the impression that concessions were made to the negotiating partner, allowing us to reach an agreement.

3.2 Failure of negotiations technique; request for variants technique; spiral negotiation technique

„Failure of negotiations technique” is always at hand to the negotiators. It is a well known technique, it’s recommend it not to abuse it. However, in at least two circumstances we resort to this technique: when one of the parties feels the need to consult with the other members of its team or to competent authorities and when the need to overcome some tensions occurred during a round of negotiations is felt.

„Request for variants” technique is mostly used in economic, commercial and social negotiations. Also, in negotiations to conclude a social pact between two or more countries, it can be asked – and obtained – for more settlement options of complex social issues, like those concerning wage increases or layoffs.

“Spiral negotiation” technique is used in all negotiations. For example, if the state border delimitation issue between two neighbours could not be resolved at expert level, a new negotiation can be agreed, this time at a plenipotentiaries level, who have the mandate to solve the problems discussed.

3.3 Negotiator alternating technique; ultimatum technique; removing objections technique

“Negotiator alternating” technique is used, in particular, in commercial negotiations. Thus, it is negotiated – in different rounds – with people that manage different specialized departments in that company (legal, financial or commercial department).

„Ultimatum” is used all the time on force positions. The team that uses this technique has economic, financial or military power. Obviously, in this formula is

hard to say that we are in the presence of a negotiation in the proper sense of this process.

„Removing objectives” technique knows more methods that negotiators can use. Among these: questions to clarify the content of the objection continue the dialogue in the formula: “objection was noted, but we consider it’s useful to continue negotiations and will clarify the matter further”, calling upon a third party where the objection is a matter of speciality which motivates an expert request .

During negotiations we can use different techniques. Choosing them is up to the negotiators. However, Techniques should not be used randomly, but only when we must and it is very important to be properly used, because if we abuse some techniques, we may create difficulties in completing the negotiations.

IV.ALTERNATIVE METHODS OF DISPUTE RESOLUTION

Establishing the rights violated by individuals or companies and repairing their damage, restore the rule of law violated by committing a crime or to punish abuses of authorities towards them is the finality of any proceedings that take place in front of the judge. In a solemn framework and respecting the finalities edicted by law, the judge is asked to solve by law the dispute between state and individual or that born between only individuals, by taking a decision at the end of a lawsuit, which ultimately determines the party that wins and the party that loses.

Next to the classic concept of the process, the recent theory of the court establishes other phrases as well, to take account of the evolution and dynamics of modern social realities, but also to facilitate the settlement of a dispute. This category includes alternative dispute resolution methods (ADR).

4.1 Arbitration

Arbitration is a judicial review to solve disputes. It is characterized as a conventional private jurisdiction; therefore, it requires the prior consent of all parties, manifested in an arbitration clause, inserted in the contract of the parties, which will become operable by triggering a dispute or displayed in a compromise, if the disputed is already started.

Arbitration proceedings are conducted expeditiously and without advertising, being used more in commercial law and especially in the international sphere.

4.2 Administrative appeal

In disputes of administrative nature between a public person and a private, internal ways exist to resolve disputes. Administrative appeal is a procedure preliminary to trial, sometimes voluntary, sometimes mandatory, which, in case of finding that one person was injured by an administrative act, this can be cancelled, with effect for the future or declared invalid, producing its retroactive effects.

There are two ways of administrative appeal:

- *Graceful appeal*, when the appeal is addressed to the body that issued the contested act, which is required to withdraw the administrative act;

- *Hierarchical appeal*, when the appeal is addressed to the superior administrative body to that which issued the paper, asking him to repudiate or cancel it.

a. Reconciliation

Reconciliation is the means by which the parties will reach an agreement through mutual compromises. It can be done free by the judge of cause or by a conciliator of justice (when mediation is made by a third party). From this point of view, reconciliation can be:

- *Judiciary*, made by the judge; even if the conciliation proposal comes from the judicial authority, it is not mandatory for the parties, they remain free to decide how to solve the dispute;

- *Para-legal*, it is entrusted to a conciliator of justice, between them and the judiciary bodies there are some connections; therefore, the conciliator is an auxiliary of justice, a system unprecedented in Romania. The minutes signed by the parties and signed by the judge becomes enforceable;

- *Extra-judicial*, the judge is not involved.

b. Transaction

Transaction is an agreement between parties that end a process began or prevent a process that may trigger between them. Transaction is a way of conciliation, and amicable settlement materializes in the conclusions of the agreement, thus producing duties. The contract has an extinctive effect, since it prohibits the parties to bring back the same dispute before a judge.

4.5 Mediation

Mediation involves a third party mediation to parties proposing solutions, but without imposing them; the third party negotiate with parties a project to represent their claims. In practice, mediation is the means by which to reach conciliation. The mediator is paid by the parties.

Generally, mediation helps reduce the economic costs conventional settlement, in front of the court. It also allows for the principle of equity and not just in the law, and a greater discretion.

According to provisions of Law no.192/2006, amended by Law no.370/2009, one can use mediation in disputes of civil nature, commercial, family, those that cover conflicts of consumer protection, labor disputes and those in criminal matters.

One cannot use mediation for strictly personal rights, such as those concerning the status of the person and any other rights the parties, according to law, can't have by convention or otherwise permitted by law.

c. Med-Arb (Mediation-Arbitration)

A combined form of ADS, Med-Arb means the procedure that starts with the third party acting as a mediator and, if that mediation fails, you get the third party to impose solution as an arbitrator, based on the information gathered in the first part of the procedure.

The advantage of this hybrid form of ADR is that it allows the parties to reach an agreement and, in case of failure, to guarantee completion of an ADR procedure without the parties may have to go to court.

V.CASE STUDY OF SNAKE ISLAND

Snake Island, the largest of the few cliffs and inslands of the Black Sea, is situated on the 45°15'53" northern latitude and 30°14'41", at a distance of 45 km (44.814 m) North-Est from the Sulina city.

Geological researches revealed the fact that the isle was part of the continental shelf of Dobrogea and was formed by flooding dry land by the waters of the Black Sea. It was established from hard siliceous sandstones, conglomerates and layered quartzites submitted to a constant erosion of the strong waves that constantly strike its shores, the isle reduced its dimensions compared to the Ancient period, thus presently reaching a surface of 1,7 Kmp. the action of erosion continues, the general opinion being that the isle will disappear eaten by the sea waves.

Due to the fact that in the region of the continental shelf important petroleum deposits and natural gases are localised and because an important military-strategical point exists, it constituted the subject of various controversies and disputes between Romania and Ukraine over time.

The decision of Romania to appeal to the Hague International Court of Justice (CIJ) as to solve the dispute with Ukraine concerning the delimitation of the exclusive economic zones from the Black Sea was made after 24 hours of negociation developed over the period of six days. during these negociations, Ukraine manifested an inflexible position, pretending a surface up to 200% larger than the one claimed by USSR.

On the 13th of September 2004, The Romanian Agent at CIJ, Bogdan Aureescu, signs the Request for Appeal of CIJ in order to commence the trial from Hague considering the delimitation of the continental shelf and the exclusive economic zones in the Black Sea.

As a result, the first statement was submitted by Romania at CIJ on the 15th of August, the Ukrainian response following to be submitted until the 19th of May 2006. The statement was drafted in the English language and contained, in conformity with the CIJ regulations, the presentation of the elements considered relevant for the case (historical, geographical context etc.), of the norms and regulations considered relevant and the argumentation of the Romanian Party referring to solution requested by CIJ, including the statement of the solution proposed, namely of the delimiting outer line considered correct, taking into consideration the interests of the Romanian party and the applicable international law. The statement is accompanied by evidence elements that support the Romanian position. As a conclusion, we are referring to a total of several volumes that amount to a few hundred pages.

In order for Romania to make an appeal to CIJ, the following conditions must have been met: the negotiations between the two parties must last for at least two years and that a treaty regarding the state border regime in force already existed between the two states.

Although the parties convened upon the international law principles in conformity to which the delimiting of the continental shelf and the exclusive economic zones should be performed, the positions of Romania and Ukraine were

different regarding the method used for delimitation and regarding the establishment of the relevant shorelines between which the delimitation was made. Ukraine wished that the delimitation would be performed taking into account the whole shoreline or at the Black Sea, and, by the other hand, claims that Snake Island must be included in this trial.

The delimitation methods proposed by the Romanian Party were inspired from the jurisprudence of the Hague Court of Justice and from the most recent cases solutioned by means of it (Bahrein versus Qatar or Camerun versus Nigeria).

Although between the yaers 2005 and 2006 4 rounds at the expert level were performed in terms of Romanian-Ukrainien consulting, they failed to reach an agreement. After the year 2006, there were no bilateral negociations concerning this subject, following that the parties would submit the documents in view of the evidence being administered by the panel of judges and heard as to support the cause. moreover, each party stated conclusions after delivering the pleading and presented the equitable solution for delimiting the border, in confromity with the applicable international law regarding maritime delimitations.

On the 3rd of February 2009, after 4 years, The Hague Court of Justice concluded the trial between Romania and Ukraine regarding the delimitation of the continental shelf of the Black Sea- involving a stake representing the hydrocarbons from the Black Sea. It was considered that Snake Island is not relevant for delimiting the borders of Romania and Ukraine and can not be regarded as a coastline; the Sulina dam is considered a reference point as to delimit the borders.

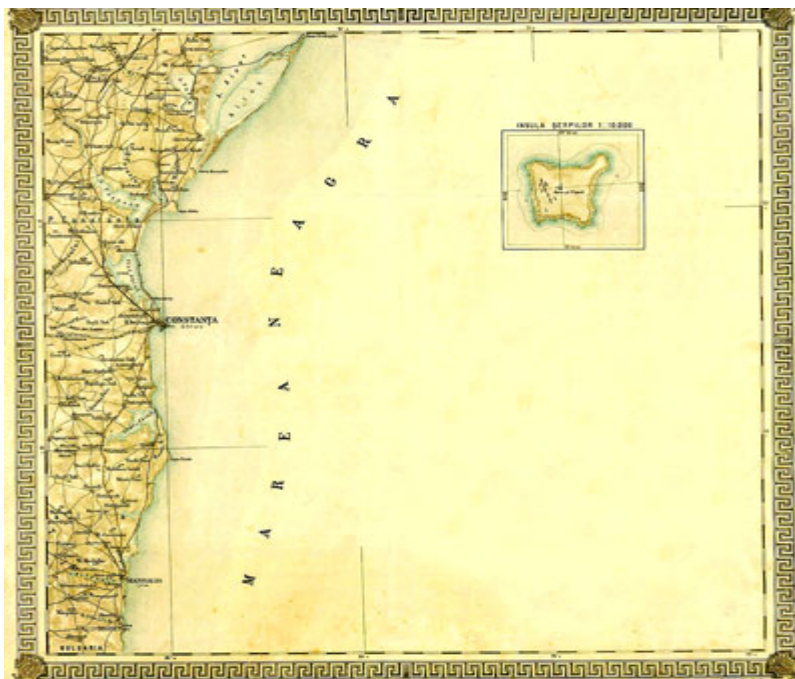
The exclusive economic zones were attributed in confromity with the equitableness principle. The decision of the Hague Court of Justice assigned Romania, a surface of 9.700 aquare kilometers from the continental shelf which represents 79,34% from the surface of 12.000 square kilometers claimed. romania has access, following the irrevokable, mandatory and enforceable decision of the Court, to an estimated quantity of 70 billion cubic meters of gas and 12 billion tones of petrolium.

The Romanian agent in the CIJ, designated by MAE in this cause, Bogdan Aurescu, declared that the decision represents "the conclusion of a complicated that embodies more than 40 years of conflict, since its beginning, negociation with Ukraine, 6 years and 34 rounds of negociations with Ukraine and 4 years, 4 month and 18 days that are today completed of legal confruntation before the CIJ". "the decision pronounced today by the court, which is the first from a contecious inter-statel case in which Romania is involved, and in the same time, the one hundred decision of the CIJ, respresents an irrevokable, enforceable and directly applied decision, that does not require internal approaches of enforcement or approaches at the level of relations of the two states", stated Bogdan Aurescu.

References:

- [1] Dupont, C., 1994, *La negotiation: conduit, theorie, applications*, Dalloz, Paris, p. 11
- [2] Ghazal M., Halifa Y., *Circulez, y'a rien a negocier*, Seuil, Paris, 1997, p. 15
- [3] Ignat C., Sustac Z., Danilet C., *Ghid de mediere*, Universitară Publishing, Bucharest, 2009, p. 106.

- [4] Mazilu, D., 2008, *Tratat privind teoria si practica negocierilor*, Lumina Lex Publishing, Bucharest, pp. 213-219
- [5] Miga-Besteliu, R., 2003, *Drept internațional. Introducere în dreptul internațional public*, Ediția a III-a, Editura All Beck, București
- [6] Popescu, D., 2005, *Drept internațional public*, Editura Universității Titu Maiorescu, București
- [7] Pădurean D., 2004, *Snake Island*, Ed. Muntenia, Constanța, p. 75-92)
- [8] Souni H., *Manipularea in negocieri*, Les Editions DEMOS, 1998, p. 23
- [9] Stimec A., *La mediation en entreprise*, Dunod, 2004, pp. 8 și urm.
- [10] Stimec A., *Negocierea*, C.H. Beck Publishing, București, 2011, pp. 1-4.
- [11] <http://en.wikipedia.org/wiki/Diplomacy>, accessed on the 13th of April 2012
- [12] <http://www.mae.ro/node/3109>, accessed on the 10th of April 2010
- [13] <http://www.insulaserpilor.info/Default.asp>, accessed on the 9th of April 2012
- [14] <http://www.insulaserpilor.info/Articol.asp?ID=298>, accessed on the 10th of April 2012
- [15] <http://www.biblioteca-digitala.ase.ro/biblioteca/pagina2.asp?id=cap4>, accessed on the 10th of April 2012
- [16] Code of Civil Procedure, art. 129, paragraph 2, and art. 131



The first graphical representation of the Serpent Island is from the second half of the sixth century BC and belongs to Anaximandru of Tales, former disciple of Thales. Ptolemy (90-168), on his work *Geographia* (III,10), made the first map of the Black Sea, with the Serpent Island, which appears under the name of Achillis, Levca.

The island appears in other cartographic representations too, such as *Tabula Peutingeriana* map from II century, *Historical Map of the Roman Empire* and neighboring barbarian nations since 400.

Maps of Middle Ages do not abound in representations of the island; only in XIII-XV centuries, Genoese and Venetian seafarers presence in the Black Sea boost mapping the entire area.

The old nautical map dated certainly in 1311, belongs to Petrus (Peter) Vesconte and mentions the Snake Island under the name of Fidonissi.

Under the same name (Fidonissi, Fidoxini, Fedoxini), the island appears in the XIVth century, in the maps signed by Mario Sanudo, Angellino Dulcert, brothers Pizigani, in the *Catalan Atlas*, *Pinelli Atlas* and *Greek Itinerary*. In the XVI-XIXth centuries, it appears in 36 cartographic sources, under the name of Fidonissi, Fidoxini, Fedoxini, Ofidonia Island, Fidocusi, Ilanada, Ilanda, Leuce.

In the XXth century, the island is mentioned 8 maps, including the one published by European Commission of Danube (1931). After the occupation of the island by the USSR, in 1948, Romanian maps will not mention it again, while the Soviet maps will show it under the jurisdiction of Moscow.

ABOUT THE OIL PIPELINES AND INTERWAR ROMANIAN OIL EXPORTS THROUGH THE PORT OF CONSTANȚA

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Abstract

The Black Sea was over our entire history an important factor influencing and stimulating the economic activity. This can also be highlighted by the oil exports growth made through the port of Constanța. Together with the affirmation of the Romanian oil industry, increased production and export the question of building oil transportation pipelines to the Danube ports, but especially towards the sea was raised. Most quantities of petroleum products were exported through the port of Constanța: 74,33% in 1929 and 81,29% in 1936. Giurgiu and the other ports achieved an export of 15,92% in 1936 and through customs was made an export of 2,79% of the total Romanian oil exports.

Keywords: pipeline transportation, oil export

INTRODUCTION

Romania was an important European country oil-wise. In 1857 three oil-related world premiere events occurred: the first officially recorded oil production in the world; the construction of the first oil refinery in the world, in Ploiești; and Bucharest was the first city in the world with oil public lighting [1]. The country's oil production was growing from year to year. Therefore, if in 1857, Romania has a production of 257 tons, around World War I its production reached 1.9 million tons, so that in 1936 its production level being somewhere near 8.7 million tons, the zenith of its interwar production levels. Through this productivity, Romania held the fourth spot world-wide, behind the USA (around 27 million tons), the USSR (around 150 million tons) and Venezuela (around 22 million tons) [2].

Despite moderate figures in extraction, processing and export, Romania held a privileged spot in the world hierarchy of producers and exporters due to its geo-strategic position. Hence, in 1928, Romania was sixth among oil exporters, with a percentage of 4.10% of the total world export trailing the USA, Venezuela, Mexico, Persia and the USSR, followed by a rise on the fifth spot of this hierarchy in 1937.

Other data can also be used in order to illustrate the importance of Romania's oil industry. For example, in the year 1931, Romania supplied more than 50% of the internal oil necessities of nine European states, the northern regions of Africa and the Middle East. Another important fact is that some states were securing all their internal oil necessities via Romanian export. For example Bulgaria covered almost 97% of its oil necessities from Romania, Hungary almost 95%, Spanish Morocco almost 92%, Syria and Lebanon almost 87%, Austria almost 82%,

Yugoslavia almost 79%, Egypt almost 71%, etc [3]. In 1936, Romania was exporting oil products to more than 44 countries all around the globe [4].

I. PIPELINE TRANSPORTATION

Romania is an oil exporting country par excellence. In 1936, for example, Romania exported more than 6.9 million tons of oil, which represented more than 80% of its total oil production [5]. This situation brought about the issue of finding the most effective and efficient ways of transportation towards transit points, terrestrial customs and especially fluvial and maritime customs. Hence, from the end of the 19th Century arose the idea of building a pipeline transportation system. In 1899, the engineer Anghel Saligny forwarded a well documented memoriam to the Ministry of Transportation through which he was highlighting the importance of a pipeline transportation system, which would diminish transportation costs with almost a third [6]. The construction of such a system was an epic endeavor in its own right.

At the beginning of the 20th Century, both production and export were steadily growing. If in 1904 the oil production neared 500 thousand tons, in 1931 this production had increased by almost 400%, which meant that 1.036.446 tons would be exported, mostly through the port of Constanța. “The vast number of oil carrying trains was misused, because all the cistern cars were returning empty to the production facility, which greatly increased the production costs. The distribution of trains, on this already crowded line, was even more cumbersome, therefore the Cernavodă-Constanța line was doubled” [7]. In this context, in 1912, Romania’s Parliament voted the implementation of state oil pipelines deciding to set up a “vast pipeline to transport the crude oil to Constanța, where they would be loaded directly into the cars” [7].

The route chosen was the Băicoi-Ploiești, Buzău-Făureu-Fetești-Constanța railway. A three pipeline system was in view: a large one, with a diameter of 10 inches (254 mm) for crude oil and two smaller ones with a diameter of 5 inches (127 mm) for lighting products. The initial 18 million lei credit was increased to 23 de million lei. The Special Oil Pipeline Committee was formed in order to project and monitor the oil pipeline activity. The economical principle law, having a broader scope, would displace all national refineries to Constanța. The crude oil would arrive here via pipelines in order to be refined so that the end products would be directly in the point of export. Until the completion of this displacement, the internal refined products would reach the port via the two smaller pipelines. This law also stated that these refineries would receive a “just compensation” for their displacement costs [6].

Actual implementation of this plan began the following year, in 1913. The Romanian specialists studied this topic thoroughly, even in the country of “pipelines” [8]. The pipelines were ordered in the USA. They arrived hastily, in six months, and were of superior quality. In order to shorten installation time, the project was simultaneously “attacked” from multiple sides. Unfortunately, the World War began right in the middle of proceedings, and the project had to be postponed. Bringing engines, pumps and auxiliary machinery from abroad was no longer an option. Until the outbreak of military hostilities “the main part of the

pipeline system was installed in insulated, unconnected portions". What was missing was the tap system. Reservoirs were also built and some of the auxiliary project buildings. "All was abandoned in this stage, the pipelines remained mainly unprotected and exposed to weather conditions" remembered Corneliu Toroceanu, a witness of the events and director of the National Oil Pipelines [7].

During the War, the Germans dismantled the two smaller pipelines and placed them towards Giurgiu, according to their interests to transport Romanian oil products towards Germany. Consequently, the initial projects plans got radically modified. At the end of the War, the link with the maritime port Constanța was obtruded. The bridge across the Danube was destroyed; the pumping stations at Palas-Constanța were severely damaged. Other pipeline infrastructure was also damaged.

After the War, a new perspective was cast upon the pipeline project. The refineries didn't have the time to move to Constanța, as planned, and this topic was now out of discussion. The Allies were making bold demands concerning Romanian oil supplies. They also wanted to secure a firm stand in the Romanian oil industry [9]; the oil societies didn't have enough oil reservoirs; oil being the sole commodity Romania could export in order to make its vital provisions. The railway didn't have the necessary requirements for subsequent transports. All these factors "determined us to use the pipelines, without any hesitation, as we found them after the war, with the hope to extend and upgrade current installations on the go" [7]. Hence, the large pipeline towards Constanța (originally meant for crude oil) would be used for the transport of all refined products destined for export. The two smaller pipes towards Giurgiu would be used as follows: one for the transport of black products, in scope of supplying the refineries around the capital and the southern part of the country, and the other for refined products, destined for commercialization.

The reinstating of the pipelines was a daunting task due to their intricate design. "When the pumps are working, the pipeline is like a long, black, sensitive, metallic snake. It stretches when subjected heat and constricts when exposed to cold, always shape-shifting, but slowly, around its inner core" the lost-motion from summer to winter nearing 160 meters [8]. If the two smaller pipelines to Giurgiu were quickly reinstated – March 1919, the large one to Constanța was a much difficult task. The working environment was harsh, the personnel was underhanded and untrained; and the tools were lackluster to say the least [6]. The country's status nearing the end of 1918 and the beginning of 1919 demanded that "the main pipeline to the Black Sea be reinstated at once, no matter the risk; for only the transport of oil towards the sea would give Romania some much needed breathing room" [8]. In order to overcome the impossibility of using the Borcea arm, the oil pipeline was installed on pontoons. It was evidently, a temporary measure, the pipeline being at risk due to the fluctuations of the water. The "extremely difficult" emplacement of three 6 inch pipelines under the river began, "so that the weather could take its toll without hindering the oil transportation" [8]. At Palas-Constanța adequate reservoirs were constructed and in Ploiești the necessary tap system was installed. Consequently, in 1919 the pipeline to Constanța was finally operational.

In 1924 pre-war quotas were once again met and the perspectives were encouraging again. In this context, the concerns regarding pipeline transportation

were once more ignited. In 1925, a new pipeline was installed that extended from the oil fields in Prahova all the way to Bucharest. Another issued up for debate was the increased transport capacity of older pipelines. Amongst the most important achievements of the time, one can enumerate the following: the reinstatement of intermediary pumping stations in Buzău and Hagiei, the increase in pumping pressure, the improvement of Palas-Constanța's supplying systems, the simplification of port Constanța's bureaucratic system, the elimination of all encumbering 5 inch contractions that were present in the pipeline towards the sea [6]. Therefore, the year 1927 saw the oil transportation doubled as to previous figures right after the War. The pipeline towards the sea could transport 140 refined oil cars a day, the one towards Giurgiu 100 cars a day and the one towards Bucharest 50-60 cars, totaling a staggering 300 cars a day [8].

Even these figures were proving thin for an ever expanding Europe. The year 1925 saw the Association of Oil Industrialists' proposal of a new project involving the installation of another pipeline towards the sea. This time however, important national figures such as: C. Osiceanu, C. Toroceanu, L. Mrazec, etc. were involved. In 1927 the plan for a new pipeline towards Constanța was finalized. On March the 5th 1929, the Direction of Oil Pipelines debated this new project. Major oil companies supported the project. Important foreign manufacturers expressed their desire to handle this project. Unfortunately, the Economical Recession of 1929 and the insecurities of the '40s rendered this ambitious, new project unfeasible [6].

II.OIL EXPORT

Constanța was Romania's main oil exportation hub. In 1929, 74,33% of Romanian export was done via the port of Constanța [10]. This privileged position of port Constanța was maintained throughout the whole interwar period, despite era-specific fluctuations. For example, the export figures of this port between 1936-1939 was the following: 1936-81,29%; 1937-78,82%; 1938-74,51%, 1939-66,01% of total oil exports. The rest were exported through Giurgiu and the other ports and terrestrial customs, but in far smaller quantities [11]. The important French publication "*Moniteur du pétrole roumain*", is a witness to this feat. Between 1927 and 1936, 81% of exports were done through the port of Constanța, 15% through Giurgiu and 4% through the other customs [12].

The quantities exported via pipelines were inferior to those exported via railway. The highest point regarding oil pipeline exports was 1913 - 19,5% of total exports; and the lowest point 1937 with only 11,3%. Of course, there were privileged situations and products. For example, the situation of lighting oil transported via pipeline varied between 68 and 90% of total exports through the port of Constanța [13]. The quantities transported through pipelines towards port Constanța had been in continuous growth, reaching 1.711.793 tons of gas and 1.072.759 tons of diesel in 1936 [14].

CONCLUSIONS

Of the above mentioned, one can conclude that the Black Sea is a magnet to commercial activities through its economic opportunities. The port of Constanța was

Romania's main export hub. Romania's oil industry set its standards high, not just quantitative, but qualitative as well. Of note is also the importance given to foreign export oil pipelines. Anghel Saligny had propositioned a pipeline system through which the running costs could be reduced by two thirds of the actual railway costs. [15].

This system was conceived in the brink of the First World War and reinstated after all military conflicts had ceased, and then finalized and upgraded by the year 1925. Production kept improving even after this date. Despite many debates, the pipeline system wasn't further extended with a new pipeline towards the sea. If the two main factors that prohibited the expansion of the pipeline system were the Great Depression and the brink of World War 2, one could also mention the extremely high taxes perceived by the state for this kind of manufacturing.

Romanian oil exports have permanently assured the highest ration of external export, having the most important role in the consolidation of Romania's budget and capital.

References

- [1] Ivănuș, Gh., Ștefănescu, I., Stirimin, Șt. N., Mocuța, Șt. Tr., Coloja, M. P., 2004, Istoria petrolului în România,, Editure AGIR, București, pp. 66-77
- [2] Producția mondială de țiței în anul 1936, 1937, *In Moniteur du pétrole roumain*, No 19, pp. 1457
- [3] Calcan Gh., 2012, La destructione de l'industrie pétrolière roumaine pendant la Première Guerre mondiale, *In Alain Beltrain (dir/ed), Le pétrole et la guerre/ Oil and War*, P.I.E Pieter Lang, Brussels, pp. 21-22
- [4] L'exportation des produits pétrolières de la Roumanie pendant l'année 1936, 1937, *In Moniteur du pétrole roumain*, No 6, pp. 372
- [5] L'exportation pétrolière de 1900-1939, 1940, *In Moniteur du pétrole roumain*, No 8, pp. 438
- [6] Calcan Gh., 1997, Industria petrolieră din România în perioada interbelică. Confruntări și opțiuni în cercurile de specialiști, Editura Tehnică, București, pp. 161-165
- [7] Torocanu C., 1929, Conductele de petrol ale statului. Evoluția lor și realizările posibile astăzi în raport cu dezvoltarea industrie petrolifere, *În Moniteur du pétrole roumain*, No 11, pp. 899-900
- [8] Torocanu, C., Iarna și „pipe-lineul” Statului, 1925, *În Moniteur du pétrole roumain*, No 3, pp. 197-203
- [9] Buzatu, Gh., 2004, A history of Romainam Oil, Mica Valahie Publishing Hause, pp. 117-140
- [10] Calcan, Gh., 2005, Aspects of Romanian petroleum industry in the inter-war period, In “Annual of University of Mining And Geology <St. Ivan Rilski> Sofia, part IV: Humanitarian and Economics Sciences”, Publishing House “St.Ivan Rilski”, Sofia, pp. 37-40
- [11] Expedițiile petroliere ale României pe vămi și țări în anii 1936-1939, 1940, *In Moniteur du pétrole roumain*, No 15, pp. 838-840
- [12] Exportul produselor petroliere de la 1927 la 1936, 1937, *In Moniteur du pétrole roumain*, No 6, pp. 373

- [13] Transportul produselor petroliere prin marile conducte, 1940, *In Moniteur du pétrole roumain*, No 9, pp. 493-498
- [14] Între modernizarea unor sisteme învechite de transport și crearea de mijloace raționale și economice, 1937, *In Moniteur du pétrole roumain*, No 15, pp. 1244
- [15] Construirea conductelor petrolifere în România, 1940, *In Moniteur du pétrole roumain*, No 1, pp. 49-51

ROMANIA BETWEEN EAST AND WEST ECONOMIC AND FINANCIAL RELATIONS IN THE YEARS OF THE COLD WAR

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Abstract

Study examines economic relations, especially financial relations of Romania in the Cold War. Study examines economic relations, especially financial relations of Romania in the Cold War. Economic policy promoted by the Soviet Union and other socialist countries, members of COMECON, was in opposition to the program of rapid industrialization promoted by the Romanian government. Special or contradictory interests of the more developed countries members of the Council of Mutual Economic Assistance, Czechoslovakia-R.D. German — and those with less developed economies-Albania, Bulgaria, Romania, Hungary and Poland. As a result, the Romanian authorities have initiated and developed a consistent economic cooperation with major capitalist states and their financial institutions West. Romania received large loans from the IMF and WB, which has allowed the program of industrialization and modernization of the Romanian society.

Keywords: COMECON, "Valev Plan", Socialist Industrialization, IMF, IBRD, multilateral cooperation

DEBATS

Abandonment of Romania in the exclusive sphere of interest of the U.S.S.R., outlined in the provisions of the Convention of truce and sealed by "percentage agreement" stipulated in Moscow in October 1944, at the initiative of Winston Churchill, led in an economic way, to the ruthless spoliation incidents of its national economy, also impoverished and disrupted because of the war effort, the monopoly that Germany set up in Bucharest's external trade, which generated inequalities and abuses, obligations imposed by the Convention of truce, signed, "as charged by the Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom," and by the Soviet Marshal Radion Malinovski, through the Treaty of peace signed in Paris in 1947, and also because of the exploitation of natural resources, in favour of the U.S.S.R. through Sovroms.

The fall of the "iron curtain" of Europe "from Stettin on the Baltic to Trieste, in the Adriatic Sea," noted by the British Prime Minister W. Churchill on the 5th of March 1946, was followed by the launch of the "Marshall Plan," in 1947 that deepened the politic and economic division of Europe. Moscow accepted that the plan as it was proposed by the United States led to the economic separation, and not only, from U.R.S.S. of the countries from its feud and the loss of political and strategic advantages achieved in Central and Eastern Europe, at the end of the war. To counteract, even partially, the loss of the countries in its sphere of influence,

which required the rejection of the plan proposed by the Secretary of State of the Soviet Union, the Soviet Union has stepped up the pace for the signing of bilateral, economic agreements with those States promising financial and technical aids or participation in realization of large joint projects as well as to treaties of friendship and mutual support. The translation of the provisions of the latter was carried out in a way which ensured effective tools in their transformation from the USSR ' discretion in order to promote their interests in dealing with Western States.

At the same time, in order not to allow an ideological or institutional diversity -in the sphere of Soviet domination, Stalin initiated and conducted in September 1947, a leader of the Communist parties of the countries which constituted the USSR Safeguard -Information Bureau (Cominform). Its aim was to facilitate the exchange of experience between the working and Communist parties in the Soviet Union, Poland, Czechoslovakia, Hungary, Romania, Bulgaria and Yugoslavia, who are assisted by the Communist parties of France and Italy. The Kremlin did not admit any deviation from the policy U.R.S.S. or P.C.U.S. "rejecting its own path towards socialism." The real purpose of creation of the Information Bureau was unveiled in Prague "after the coup" in February 1948 and Tito's Yugoslavia "excommunication" in the summer of that year. [1]

The replica from the Soviet Union, Marshall has initiated the setting up, in January 1949, of a Mutual Council Unions (Comecon) based in Moscow. To the Founding countries of Comecom -Bulgaria, Czechoslovakia, Hungary, Poland, Romania and the Soviet Union - were added Albania (1949), R.D. Germany (1950), The Mongol People's Republic (1962) and Cuba (1972). In 1964, Yugoslavia participated, based on an agreement, in some issues that were of a mutual interest, and Finland signed an agreement of collaboration with the the Council of Mutual Economic Assistance in May 1973.

Its stated aim was to facilitate the exchange of experience, harmonization of curricula and trade of food products, raw materials and equipment. For a time, the activity of the Council of Mutual Economic Assistance consisted of recording various economic and financial agreements concluded between Member States. The USSR failed to "integrate" the resources of Member States and to synchronize its activities with the other States, but it has been able to place the Council of Mutual Economic Assistance member countries in a close industrial dependency. [2]

For Romania, the founding country, the Council of Mutual Economic Assistance "was an organization in which socialist States shall cooperate on the basis of equality, in a spirit of understanding, in order to develop their economies," the aim being "to help countries lagging behind to catch up on the others which were more developed." Romania has acted within the Council of Mutual Economic Assistance -appreciated the Foreign Affairs Minister, Corneliu Mănescu, in a ample presentation made to China's Ambassador to Bucharest in May 1963 to promote relations which exclude the possibility of damage to the interests of one of the partners, finding forms of cooperation to enable States to exercise their rights on material and human resources, to unite and coordinate efforts so as to ensure the acceleration of technical progress, raising productivity growth and industrialization. [3] However, despite the similarity of the political system and the social-economic one, of "brotherhood" and "common aims" of Romania and of the other countries of

the eastern European bloc, when there has been initiated work towards a concrete economic integration, appeared among them suspicion, distrust and lack of political will to support the efforts, to harmonise economic issues under the baton of Moscow. Special or contradictory interests of the more developed countries members of the Council of Mutual Economic Assistance, Czechoslovakia-R.D. German — and those with less developed economies-Albania, Bulgaria, Romania, Hungary and Poland and, closer to the latter than the former, were evident in 1956 at the 7th session of the Council of Mutual Economic Assistance, during which they discussed on specialized training in engineering. On this occasion, more developed countries have not shown willingness to cede industrial sub branches or manufacture of standardized products at a lower technical level, to the less-developed countries, also including Romania. [4] At the 6th meeting of the Permanent Commission for engineering (Prague, 30 June -1959 July 1959), Romania was distributed for example, the specialization in only 78 of the 2 types of 286 machines which represented the work of the meeting, which has attracted discontent and protest of the Romanian delegation, who asked to meet the agreed principle, according to which " to ensure proportional development in every country of engineering and its sub branches, combining economic effectiveness of production machinery and equipment in series with a smaller development of the branches of engineering in order to accomplish in a short time the elimination of lagging behind ". [5]

The issue has generated discontent on prices and also on other matters, within the Council of Mutual Economic Assistance. In 1956 in Moscow, a majority of countries decided to use "contemporary world prices" in their mutual trade, a measure which was obviously laid down in the international practice of exchange values. Romania has not yet approved the measure, which was disadvantageous. The dispute was manifested in the form of theoretical form of "non-equivalent exchange", of potential drawbacks which were supposed to be faced by less developed countries, which spent more time working "socially necessary" to produce a unit of value at world prices, than the partners who achieved goods for export at a higher labour productivity [6] .

At the end of the sixth decade, economists from Bucharest also surcharged the profitability criterion in foreign trade. A country with a poorly developed industry- as they appreciated- would find that the importation of finished products is more advantageous than their production – if the profitability would be the only one-, and such a finding would have a harmful influence on the process of rapid industrialization that they supported. In the following years, protectionist arguments were often present in the specialized writings and the practical actions of the Romanian Government. [7]

Mihail Manoilescu's ideas have influenced, unofficially, the thinking and practice of responsible people from foreign trade. The fact that agriculture is suffering because of "an intrinsic inferiority" in relation to industry – considering the net productivity of an employee in industry as to that of an employee in agriculture and trade in agricultural goods is "unequal" by default in relation to the trade in industrial goods constituted a further argument for keeping pace and forced the development of industry, making Bucharest continue without reservation, the rapid industrialization effort, certainly in the Soviet principle patterns. [8]

Within the Council of Mutual Economic Assistance, the issue of specialization of industrial production of member countries gave rise to important disputes. More industrialized States considered this to correspond to the differences that existed between the different countries in terms of labour productivity. Construction of machines, must be concentrated in countries with a long tradition in this direction, and less developed countries should import machinery and equipment, in order to change labour productivity in its upside. Romania was suggested to specialize in processing crude oil, a domain with good tradition; the reserves of natural gas were limited, and they did not have the same tradition, but the resources, then, seemed richer. Such ideas have given rise to the well-known "Valev Plan" rejected with determination by the leaders in Bucharest.

In 1960, there has been a first public stance in Romania on the dissension within the Council of Mutual Economic Assistance relating to the industrial production specialization of member countries. In an article signed by C. Arnăutu-a nickname, of course, entitled "Socialist Industrialization," [9] was combated the principle according to which, what must be developed, are only those branches of industry for which the necessary raw materials are in the country. Romania claimed then that the priority development of heavy industry in general, and the construction of machines, in particular, needed to be carried out in each country, and not only at the level of the socialist system as a whole. The development of some industries, cited in the article, such as mining or light industry doesn't mean industrialization because they cannot generate the technical progress needed to expand production in all the branches of the economy.

In 1962, and in the following years, Romania had vehemently opposed the attempts to transform the Council of Mutual Economic Assistance into a suprastatal body in which collaboration, the sovereignty of States must be replaced by provisions of a central body. In 1962 the Polish leader Wladyslaw Gomiilka sent to the other parties, including the P.M.R. CC., a plan in which was against the organization of the Council of Mutual Economic Assistance, criticizing its inefficient decisions and proposed the creation of central bodies to have the right to give orders and take measures binding on member countries, ideas strongly supported by the leader of the Kremlin, N.S. Hruşcirov. [10] In June 1962, however, the meeting of the first Secretaries of political parties, has not supported the "advantages" of a single, suprastatal planning, of some bodies, whose provisions are binding on all States, and the creation of common property enterprises of several member countries of the Council of Mutual Economic Assistance, and also the communication of the meeting did not contain references to these issues. Present at the sitting, the head of the Romanian delegation, Gheorghe Gheorghiu-Dej, has clearly expressed to the front his disagreement of the creation of Interstate property enterprises, specifying that Romania is not interested to participate in such an action. [11]

After the meeting in June, N.S. Hruscirov presented the ideas set forth by W. Gomulka in an article published in the "Problems of peace and socialism", and in a speech to the plenary of the P.C.U.S., saying that the time has arrived for the socialist states to work at a higher level, in which each one should dispose of something in its sovereignty. [12]

In February 1963, at the meeting of the Executive Council of the Mutual Economic Assistance Council, there were resumed, violently, the proposals for the creation of a single planning body and unions by branch of production. As Minister of Foreign Affairs, Corneliu Mănescu appreciated, in May 1963, in a broad statement made to China's Ambassador in Bucharest, registered on tape recorder, unions on branches of production were "in fact a common property of more states, - on oil, methane gas, iron and steel industry ". All the participating States, with the exception of Romania, have supported this proposal. Alexandru Bârlădeanu, representative of our country, said that Romania is firmly against the creation of a single planning body, Union branches and property businesses, its position being approved unanimously at the Plenary of C.C. of P.M.R. in March 1963. [13] The attitude of Romania remained unchanged; in April and May 1963, within the meetings of the Executive Committee of the Council of Mutual Economic Assistance, there were found, however, "changes" and "cedes" in the position of the representatives of the participating countries.

Corneliu Mănescu stated in front of the Romanian Ambassador of China that the position in the relation with the States of the Council of Mutual Economic Assistance and Socialist communities is clear and firm. "We will go the whole length hog and also at first Secretaries meeting, which will take place in June this year. (1963-n.n.)".

Romania's opposition to the proposed economic integration model of the sessions and meetings of the Council of Mutual Economic Assistance has found expression in the contents of the Declaration of April 1964, [14] which denied Bucharest's refusal to admit foreign interference in its economic policy shifts of economic management functions from the jurisdiction of the State to that of bodies or suprastatal bodies, action with economic implications, but also politically, very serious, which made sovereignty become a concept devoid of content.

In the background, the radical position of Romania expressed in the Declaration of April 1964, strategically aimed at reducing its control over the Kremlin and of other countries under the domination of Moscow, as a prerequisite for its development and also of other countries on the way. Drafting the "Declaration of independence ", as it was called, was designed to be plugged in as many members of the Socialist community, in an attempt to counteract the Soviet pressures. [15] Western analysts share the view expressed in the sources from the archives of the Warsaw Treaty with regard to the role played by Romania in the success of the action of "sabotage" of Kremlin plans for economic integration of the countries of the Soviet bloc in the period 1958-1964. [16] In 7th decade, Romania has rejected further specialization in accordance with comparative advantage, even in cases where, as a result of specialization, it would have increased production and consumption in the countries concerned, if such, there had been accentuated the disparity in levels of development between partners, appreciating reasonableness and equivalence above efficiency. It was an obvious expression of protectionism that Romania practiced in the relations with the Member countries of the Council of Mutual Economic Assistance.

In this context, the Deputy Director of the Economic Research Institute in Bucharest, I. Rachmuth, expressing reservations as regards the tight binding of

Romanian stronger trade partners within the Council of Mutual Economic Assistance, during a period in which she has not reached the level that would enable her to negotiate with these partners on equal terms. He also, challenged, a "severe generalization" in the field of specialisation and effectiveness of cooperation and insisted that, "during certain periods and in certain areas, socio-political considerations can sometimes prevail, putting on the second plan, temporarily, pure effectiveness" [17]

The protectionism promoted by Romania after World War II has sought, in particular, the reduction of dependence on Moscow's tutelage and even less effectiveness and an increased profitability in relation to that of the more developed States (East or West). In its first appearance, the results were positive. Forms of protectionism were pushed beyond the rational level sometimes, so in terms of the lack of a market mechanism, it could not be corrected in time, when its negative sides were beginning to prevail or when the resulting benefits of such policies were reduced to extinction, caused by the lack of real competition between domestic producers or between these and those from outside the country.

In those years, Bucharest has built, with discretion, "special relations" with Washington, Beijing and Bonn and tried to avoid the attention of public opinion and the growing Soviet pressure to which it appealed inevitably "not by a loud and insistent advertising, but through a constructive development and in a quiet way of Romania's relations with the United States and the Western countries" [18]

The participation of Yugoslavia in 1964, to some activities of the Council of Mutual Economic Assistance containing a reciprocal interest, the only socialist country that is a member of the IMF and the IBRD after withdrawal from the monetary financial institutions of the Republic of Poland, Czechoslovakia and Cuba, meant for Romania an acquisition of a partner within the Council of Mutual Economic Assistance, where the two countries have often adopted common or similar positions. Yugoslavia was, at the same time, a source of secure and useful information, in the approach which Romania will conduct more intensively in order to evaluate the place and role of the International Monetary Fund (IMF) and the International Bank for Reconstruction and Development (IBRD) in the world economy and, in particular, the obligations and benefits that would result from your possible accession to these institutions.

In the period 1967-1972, Romania received the visit of numerous personalities from the Financial-Bank of the West, representatives of the IMF and the IBRD, including director general of the IMF, Pierre-Paul Schwettzer, President of the BIRD, Robert McNamara, and a number of 39 high-ranking officials or bankers on monetary and financial matters of the United States, with which opportunity they discussed and information has been very useful for understanding the operating system of the Bretton Woods institutions created and also to assess the obligations and advantages for Romania if integrated into the respective system.

The conclusions of the discussions and actions of the ample information taken by the Romanian authorities have resulted, inter alia, in a series of documents which constituted a veritable plea for identification and use of new sources of financing, based on a long interval of time and under advantageous conditions. "Such credits- as appreciated in a document prepared by the Ministry of Finance -

can be obtained from specialized bodies of O.N.U., such as the International Monetary Fund (IMF) and the International Bank for Reconstruction and Development (IBRD)" [19]. Whereas, as further shown, by engaging in the international economic system and by the use of default payment instruments and forms created by the Bretton Woods system, Romania is obliged to bear the consequences of this system without the opportunity to take part in it and to use benefits, "our country's accession to the IMF and IBRD appears fully justified from the economic point of view and falls in the general policy of the party and our State of multilateral cooperation with all countries of the world. [20]

Romania's position towards international monetary financial institutions and its intention to contact the IMF and IBRD in order to know the necessary conditions to become a member of them was brought to the attention of the other Member countries of the Council of Mutual Economic Assistance, on various occasions, being invited to act as such and in charge of the two institutions, as well as U.S. Ambassador to Bucharest L. Meeker.

At the 21st session of the Standing Committee of the Council of Mutual Economic Assistance, on foreign financial problems, which have been adopted in some "proposals with respect to the coordination of the actions of the members of the Council of Mutual Economic Assistance countries concerned with foreign financial organizations for international loans " in which the capitalist countries are participating, in terms of coordination of action against the IMF and the IBRD, the Romanian documents sitting in point of view stated that "adoption of the proposals relating to the coordination of the actions of the members of the Council of Mutual Economic Assistance countries concerned towards the foreign financial organizations for international loans does not affect the right of the Council of Mutual Economic Assistance member countries, jointly or individually, to discuss, to treat and to agree on matters they are interested, related to these organizations-including the possibility of concluding agreements and becoming members" [21]

In May 1972, at the 58th session of the Executive Committee of the Council of Mutual Economic Assistance, the permanent representative of Romania to the Council, Gheorghe Rădulescu, made a statement that is recorded in the Protocol, informing the meeting that "the Romanian Government has instructed me to bring to your notice that they intend to conduct informal negotiations with the International Bank for Reconstruction and Development and the International Monetary Fund in order to clarify the conditions and determine the benefits that these organizations would present to us" [22]. A similar communication was also made at the 22nd meeting of the Standing Committee of the Council of Mutual Economic Assistance on financial-foreign affairs, in June 1972.[23]

Romania considers that more provisions contained in the " Program of cooperation and improving the complex further cooperation and development of socialist economic integration of the Council of Mutual Economic Assistance member countries ", adopted in Bucharest, at the XXV session of the Council of Mutual Economic Assistance of 27-28 July 1971, render it as " interested countries members of the Council of Mutual Economic Assistance, together or individually, in accordance with the sovereign rights and national interests to adopt measures in relation to the attitude towards foreign international financial organizations,

including-as regards the possibility of becoming members of these organizations. "[24]

In support of its position, Bucharest had a series of arguments, pointing out that the IMF and the IBRD are specialized institutions of O.N.U. in the field of cooperation financial exchange rates internationally, that Yugoslavia, a socialist country, founding member of the IMF, Poland, Czechoslovakia and Cuba were members of the IMF but left it in 1950, 1954 and 1964, and the USSR participated in the Bretton Woods Conference, signed the agreement but have not ratified it. [25]

The fact that the economy of Socialist members of the Council of Mutual Economic Assistance countries constitute-Romanian experts considered- an integral part of the global economy, trade relations of these countries extend with the rest of the world, which are used as means of payment freely convertible currencies of capitalist countries and other financial instruments and international credit, "requires that the Council of Mutual Economic Assistance member countries to participate actively in examining current and perspective issues of international currency system". But such participation, "that would ensure the protection of the financial interests of socialist countries, it will not be possible as long as the Council of Mutual Economic Assistance member countries remain outside the IMF, since at the reform of the current international monetary system are expected to take part only in member countries of the Fund" [26].

By engaging in the international economy and the use of default payment instruments and forms created by the IMF,- Bucharest showed -, member countries are obliged to bear the negative consequences of this system (promotion and protection of the interests of major countries which have a high rate of participation), undefeated, in contrast, to have the opportunity to use the advantages of the credit (getting more favorable credits than those of the market, the possibility of financing the external balance of payments deficits through its own currency, the preference granted to undertakings tendering for the recipient country credit BIRD — margin of 15%-from foreign countries offers participating in international auctions, etc.)[27].

For these reasons, the Member countries of the Council of Mutual Economic Assistance -the Romanian authorities appreciated- must not be indifferent to the monetary order measures and rules which are imposed by capitalist countries in the economic relations between the capitalist states, that we are forced to use in the trade with capitalist countries, but we must use existing possibilities to participate actively in the settlement currency on international relations in order to obtain as much of the advantages of the new international exchange system.[28]

In terms of coordination of action against the IMF and the IBRD, Romanian experts believed that, "on a case-by-case basis in various issues of mutual concern, interested countries, members of the Council of Mutual Economic Assistance can coordinate their actions" but "such coordination shall not affect the right of interested countries, members of the Council of Mutual Economic Assistance, jointly or individually, to discuss to treat and agree on matters of interest to them in connection with international currency system, currency-financial organizations and international credit, including the possibility of concluding agreements and to become members " [29].

Acting in accordance with the positions expressed repeatedly, Romania acceded on 15 December 1972 at the IMF and the IBRD. with almost unanimous vote of the Member countries of the two monetary financial institutions. She became such a member with full rights of all specialized institutions of the System created at O.N.U. Bretton Woods demanded, in turn, an addition of universality. For a decade, until 1982, when Hungary will join the IMF and the IBRD. Romania was the only Eastern bloc country that was a member of the Council of Mutual Economic Assistance and the monetary financial - institutions created at Bretton Woods.

Before the end of the fiscal year 1982, the Romanian State has received 33 credits from BIRD, worth \$ 2 million, 184,3 for 32 projects (16 in non-agricultural areas and 16 in agro-farming areas) and a loan of 60 million dollars, without the classic project for repairing plants destroyed by the earthquake of 1977[30]. Total cost of the project amounted to \$ 12 729,7 million, of which nearly 17.2% credits BIRD.

The ascendant, somewhat elevated course, of Romania's relations with the IMF and the IBRD has registered at the end of the 9th Decade, an unexpected, surprising evolution for the Bucharest authorities, due to the new phase of East-West confrontation, and increasingly frequent tensions generated by the lack of mechanisms for regulating the financial and economic system, specific to the centrally planned economy in our country.

In the 1980s, Romania has experienced a severe crisis and was forced to seek rescheduling of its foreign debt in convertible currency. The current account deficit reached US \$ 2.4 billion (5.2% of GDP), while the external debt in convertible currency amounted to \$ 9.6 billion (17% of GDP)[31].

The origins of the crisis must be sought in the structural trends and excessive growth in domestic demand in Romania, as well as challenging in terms of international conditions in the 1970s. Unlike States with real market economy, which introduced restrictive measures or cautious due to the oil crisis of 1973/1974, Romania has continued to give priority to the rapid economic growth and with emphasis on the expansion of energy-intensive industries, in 1972, becoming a net importer of oil. Prices were adjusted very little, the prices for energy, were aberrant, too much from international prices, in rapidly growing, large loans on the foreign market, including from IBRD and IMF, where she received the amounts claimed with relative and/or even psychologically ease from the creditors, made possible, in turn, a delay in the structural adjustments.

In response to the imperatives arising from the crisis, in January 1981, the Government has initiated a reform of the exchange rates and prices, for the purpose of simplification of the exchange rates and bringing domestic prices, in particular for energy, closer to world prices.

In June 1981, ended a second stand-by arrangement with the IMF (the first one in 1975, carried on in good condition), worth about \$ 1.4 billion meant to alleviate the current account deficit and achieve an economic balance. Under the agreement, there would be taken new measures to adjust the exchange rate system and the structure of prices and reduce external debt in the short term and increase of international reserves.[32]

But, despite these measures, in the latter part of the year 1981 confidence of creditors in the Romanian economy has declined sharply, although the signal given by the end of the stand-by arrangement had to be positive. Perhaps there have acted also factors that lay not in the logic or economic-financial practice. There also appeared arrears of payment and an acute liquidity shortage.[33]

In the face of this situation, the Government was forced to take more extensive measures than those under the stand-by program. The Government reduced imports from the convertible by 13% and investments by 4.5%. The decrease in agricultural production for two years in a row led to the introduction of drastic austerity measures: sugar, edible oil, meat, and even bread, in some instances, have been streamlined, and the grocery stores would serve only residents of the locality in question. The volume of purchases of food consumption was limited to one month, with the intention to deter the stocks in households. In 1982 the retail prices of food products have grown by 35%, thus reducing the pressure of demand. They increased the prices of energy and some mail and telephonic services[34]. As a result, real wages and incomes of the population fell sharply.

At the same time, or as a result of negotiations with the IMF and other foreign lenders, financial and economic adjustments continued. The system of multiple exchange rates was simplified. In the second half of the year 1983 was the unification of the exchange rate (one year earlier than agreed upon with the IMF). In the first part of the year 1983, the RoI was devalued in two stages (14%), in order to improve the international competitiveness of Romania. On 1 July 1983, linking the U.S. dollar was abandoned in favor of a weighted basket of currencies, in accordance with their importance in the commercial transactions of Romania[35].

Price changes from 1979-1983 were obviously moving to greater flexibility in their establishment, in sharp contrast with the policy previously pursued, when price adjustments were performed at intervals of time (1963, 1979-see Statistical Yearbook of Romania). To be fully effective, the adjustments were continued by reforms aimed at increasing the share of enterprise-level decisions intended to give each a greater financial autonomy. It happened, however, fact that gave rise to tension in relations with the IMF.

The stated aim assumed by the Romanian authorities, according to which enterprises which recorded losses will not receive financial support from the State budget, was not achieved. No undertaking was forced to bankruptcy. This practice was justified by the priority given to job safety and the use of force. Any closer linking of the income of each person by production, productivity and economic efficiency has not been conducted rigorously, though on 2 July 1983 was passed a law to that effect.

The improvement of current account in foreign currency convertible in 1980-1982 was realized, in particular, by the restrictive measures, with a focus on reducing imports, and reflected only to a limited extent the effects of structural policy measures required by the IMF. The adjustment program for Romania-as explained in a paper of the IMF in August 1983-stated that Romania was expected to regain the ability to attract capital flows and return "on the path to a more appropriate increase term in the middle term after a period of severe adjustment from 1981 to 1984 and she will need to continue to make fundamental changes"[36].

In cooperation with the World Bank, the Fund will have to, therefore, -as shown in the cited paper- to emphasize the need for profound changes in the financial system through the decentralization of foreign trade, by reviewing the role of foreign trade enterprises and a shift made to the multilateral trade relations through a productive sector and decentralization of decisions on pricing and investment. Such a process – as further highlighted- should be an integral part of the overall strategy that seeks a more balanced economic policy, more diverse and more market-oriented[37]. The document reflected the essence and goal of the measures which the IMF was trying to implement in a centralized, planned economy existing in Romania. The requirements were but in total disagreement with the head of the economic policy of Romania, Nicolae Ceaușescu, who wanted to continue steadfastly. He said to IMF representatives in Romania, according to the newspaper "Frankfurter Allgemeine Zeitung" of 17 November 1983 that "Romania is willing in principle to meet the requirements of the Fund, but wants to reserve the right to decide alone on the measures to be taken in fulfilling these requirements"[38].

The economic development of Romania in the 1980s was largely conditioned by the necessity of improving current account balance to meet the obligations on foreign debt, including interest charges, estimated at about two billion dollars annually, as well as to finance the imports of fixed assets required for restructuring the economy.

Significant and obvious improvements of the trade balance and balance of payments in the early years of the 1980s were made primarily by reducing administrative imports, coupled with the fall in consumption and investment. However, in order to avoid the adverse effects of excessive use of such measures, the focus for improving external balance of payments had to be put on the use of measures to enable the growth and international competitiveness of exports in the middle and long term, by increasing economic efficiency and fundamental restructuring of the economy.

Unfortunately, delayed adaptation to the new economic realities of Romania had to be carried out during a period in which global markets have grown into quite modest, and competition from other countries with the same need to improve the balance of payments situation was fierce. Access to foreign loans was limited and the actual rates of interest on external debt continued to be high. They had risen in the course of a decade, from 7.25% to 12, 25%.

The lacks of foreign currency, but mostly the dogmatism and insularism have limited policy options of the authorities in an attempt to adjust the structure of the economy. The answer to the crisis was a mixture between the introduction of forms of stimulation in some areas of the economy (which existed in the early years of the Decade of the 9th century) and a more centralized control over the coming years, which fined or even canceled the previous reforms.

The problem of the search for critical response, the effect of the crisis was the option that authorities were going to do, resorting to a greater consolidation – as it has happened-and to implement decisions or any important changes in the direction of increasing decentralization and the use of forms of stimulation for the allocation of resources among the various economic activities. After a successful

search, hesitations and an invalid pick-up, it was a return to greater centralization, with the consequences that are known.

CONCLUSIONS

The development strategy "focused towards the inside", which was followed, meant an early, rapid and forced reimbursement of foreign debt, which had first priority over other economic policy objectives. Loans to finance the import of new technologies have not been carried out. Prices have continued to have a minor effect on the allocation of resources, while the influence of enterprises in the process of formation of prices continued to be limited. The main instruments for external balance have been broadening the range of products manufactured in the country and the administrative arrangements for minimizing imports. The increasing substitution of fixed funds of the import of goods produced in the country of investment continued and accentuated, having a negative effect on the rate of technological progress. Foreign trade has been oriented in these conditions, in a greater measure than previously to unconvertible currencies, including Eastern European countries. The adoption of specific mechanisms of a market, functional economy, remained at the end of the Decade of the 9th, a desideratum.

Liquidation, as soon as possible, of foreign debt had become a veritable obsession in 1986. The debt was paid with any sacrifice. The surplus balance of the balance of trade, achieved through compression of imports of consumer goods, has seriously affected the population consumption and reducing imports of machinery and equipment affected, in turn, the product quality, the technical level of production for domestic consumption as well as the competitiveness of goods intended for export.

In 1989, after Romania had paid about 23 billion dollars for the liquidation of loans which in 1981 amounted to almost 11 billion dollars, Romania was a country isolated from the international financial ratio, poor and without any external debt.

References

- [1] Florin Constantin, *De la Razboiul fiebinte la razboiul rece*, Corint Publishers, Bucharest, 1998, p. 117.
- [2] Jean Francois Soulei, *Istoria comparata a statelor comuniste, din 1945 până in zilele noastre*. Editura Polirom, Iași, 1998, p. 79.
- [3] Arhiva Nationala Istorica Centrala, Fond C.C. al P.C.R., Relatii Externe, dosar nr.53/ 1963, p. 3-20.
- [4] Ion Alexandrescu, *Protectionismul economic intre necesitate si obsesie in ani regimului totalitar*, in *Analele "Universitatii Crestine 'Dimitrie Cantemir, '"* Seria Istorie, nr 5/2003 p. 245.
- [5] *Raport asupra lucrărilor ședinței a 6-a a Comisiei Permanente pentru Construcții de Mașini*, Arhivele Naționale, București, Fond CC. al P.C.R., Secția Economică, dosar nr. 16/1959, f. 4, 10-11.
- [6] „Probleme economice”, nr. 6/1957. p. 87.

- [7] M. Horovitz. *Despre unele particularități și limite ale acțiunii legii valorii în comerțul exterior socialist*, in „Probleme economice”, nr. 4/1958, p. 1(1-20).
- [8] *Idem*, p.246.
- [9] C. Arnăutu, *Industrializarea socialistă*, in „Lupta de clasă”, nr. 3/1966. p. 69-86.
- [10] Arhiva Națională Istorică Centrală, Fond CC. a) P.C.R.. Relații Externe, dosar nr. 53/1963, f. 8.
- [11] Notă privind discuția, înregistrată pe bandi de magneiofon, între ministrul Afacerilor Externe al României, Corneliu Mănescu. și ambasadorul Chinei la București, în ziua de 16 mai 1963. Arhiva Națională Istorică Centrală. Fond CC, al PCiC Relații Externe, dosar nr. 53/1963, f. 10.
- [12] *Idem*, p. 11.
- [13] *Idem*, p.13.
- [14] *Declarația cu privire la poziția P.M.R. în problemele mișcării comuniste și muncitorești internaționale*, adoptată de Plenara C.C. al P.M.R. din aprilie 1964.
- [15] Larry L. Watts, *Fereșle-mă, Doamne, de prieteni... Războiul clandestin al Blocului Sovietic în România*, Editura Rao, București, 2011, p. 247-248.
- [16] *Idem*, p.283.
- [17] I. Rachmuth, *Importanța stabilirii unui ritm de dezvoltare tare să ducă la același nivel progresul economic al tuturor țărilor socialiste*, in „Probleme economice”, nr. 7/1968.
- [18] Mihai Retegan, *In umbra primăverii de la Praga: Politica externă a României și criza din Cehoslovacia din 1968*, Centrul de Studii Românești, Iași. 2000, p. 47.
- [19] *Considerente privind poziția R.S. România față de Fondul Monetar și Banca Internațională pentru Reconstrucție și Dezvoltare*, Arhiva Băncii Naționale a României (ABNR), Fond Direcția Valutară și Metale Prețioase (DVMP), dosar nr. 39 /1972, f. 675.
- [20] *Idem*, f. 681.
- [21] ABNR, fond DVMP. dosar nr. 26/1972, f. 303.
- [22] *Ibidem*.
- [23] *Idem*, f. 307.
- [24] *Idem*, f. 305.
- [25] *Ibidem*.
- [26] *Idem*, f.306.
- [27] *Ibidem*.
- [28] *Idem*, f. 307-308
- [29] Arhiva Ministerului Afacerilor Externe (AMAE), Fond 241/1972, dosar nr, 3209 bis, f. 59.
- [30] Pentru împrumuturile contractate de România cu Banca Mondială în perioada 1973/1974-1981/1982, vezi Dragoș Luchian, *Banca Mondială - origini, scop, perspective-*, Editura Enciclopedică, București, 1992, p. 172-176.
- [31] ABNR. Fond DVMP. dosar nr. 33/1979-1983, f. 230.
- [32] *Idem*, f. 25.
- [33] *Idem*, f. 26.
- [34] *Idem*, f. 27.
- [35] *Idem*, f. 31.
- [36] ABNR, Fond DVMP. dosar nr. 7/1983-1985, E 491-492.
- [37] *Idem*, f. 492.
- [38] *Idem*, f. 465

ANOTHER FROZEN CONFLICT ON THE POLITICAL MAP OF THE BLACK SEA? GEORGIA AND RUSSIA

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Abstract

This paper tries to answer a couple of essential questions regarding the appearance and the evolution of frozen conflicts. We will try to answer the question if the war in Georgia in 2008 can be considered frozen or not. We are going to present and to analyse the short and long term causes of the conflict.

Keywords: *Russia, Georgia, South Ossetia, Intra-state conflict, Inter-state Conflict, Interests*

I.THE CONFLICT AND ITS HISTORY

We consider that in the case of Georgia we are dealing with a frozen conflict in which there are involved Georgia, Russia, South Ossetia, Abkhazia but also the United States and NATO. The paper will analyze the causes of the 2008 war, the main events, the interests of the players, the disputed zone and the media coverage of the war.

Georgia started the war by attacking South Ossetia on seven the August 2008.[1]

The Commission made by the European Council in order to analyze the conflict from Georgia has shown that in this conflict Georgia lost 170 soldiers, 14 policemen, 228 civilians and 1747 injured were registered, Russia lost 67 soldiers, and they were registered 283 injured. Ten of thousands had fled their homes. (135.000).[2] Simply put, the Georgians attacked South Ossetia[3] (both South Ossetian forces and Russian peace-keeping forces) breaking some international agreements and the Russians responded violently pushing back the Georgian forces and invading Georgia. From an international point of view Russia had a good case for rejecting the Georgian forces from South Ossetia[4] and a bad one for invading Georgia itself.[5] This is also according to the independent EU fact finding mission. Now we are going to discuss the history of the Georgia –Russia conflict till the war. After the breaking up of the Soviet Union Georgia has won its independence. Its first president, Zviad Gansakhurdia had a nationalist rhetoric. The regions of South Ossetia and Abkhazia had also nationalistically approaches and goals to the issues linked to Georgia. They wanted full independence. Two wars started; one against Abkhazia and the other one against South Ossetia. There was Russian support for the Ossetians and Abkhazians . The first war ended in 1992 and the second one in 1994.[6] As a result Georgia lost the control of large parts of Ossetia and Abkhazia. What is important to know is the fact that both the regions had their own governments which acted almost independently from Tbilisi. Another insurgency broke out in 1993 in the region of Samagrela. Georgia's new president Eduard Shevardnadze appealed to Russian military help for putting down the insurgency.

This led down to the re-approach of Georgia to Russia. As a consequence Georgia adhered to the Commonwealth of Independent States and to the Collective Security Treaty. Four Russian military bases were added on Georgia's territory and Russia troops patrolled the border with Turkey and some regions of the Black Sea.[7]

An agreement between Russia and Georgia signed at Sochi between the Russian president Boris Yeltsin and the Georgian one Eduard Shevardnadze established a common peace keeping force called Joint Peacekeeping Forces for South Ossetia,[8] a force composed by Russian, Georgian and Ossetian troops. Another peacekeeping force was created for Abkhazia.[9] We can consider that from this point we are dealing with a frozen conflict. Neither Georgia nor South Ossetia and Abkhazia were satisfied.[10] The last two wanted full independence while Georgia wanted their integration into their political-military and economical structures. On the other hand Georgia and Russia drifted apart. Under president Mikheil Saakashvili Georgia wanted to become closer to the West. They wanted to become a NATO member. Military spending increased in Georgia about 8 times.[11] The United States allocated a lot of financial and logistical funds to support and improve Georgia's economy and military. „Most importantly, the US embarked upon an extensive military aid program for Georgia, both in terms of training and equipment, also providing financial means”[12] . We can say that in this period, Russian influence shrunk while Western influence especially American grew. Till 2008 Georgia has doubled its military strength with American, Ukraine, Czech Republic, and Israel help. They were also established links with the European Union especially financial ones.[13] In some weeks before the Conflict Georgia organized military exercises led by the United States, who assumed the leadership of the exercise, which contained 2000 troops from Georgia, the United States, Armenia, Azerbaijan and Ukraine. Between 15th July and 20th August Russia carried a large military exercise at the border with Georgia.[14]

At the same time the South Ossetian authorities started to evacuate civilians into Russia.[15] We can assume the Russian leaders did not like Georgia going into the hands of the West. But accordingly they reacted on the attack of the Georgian army. The problem of course is that they invaded the whole country. So they improved their military prestige and acted upon the opportunity offered by the Georgian President to reaffirm their position the region. The attack of the Georgian forces was a window of opportunity for the Russian side. They acknowledged that and they occupied a large part of the country. Even after they withdrew their troops they could maintain their influence upon the region by recognizing Abkhazia and South Ossetia as independent states. The conflict is a frozen one because neither of the geopolitical actors, Georgia, South Ossetia, Abkhazia and Russia is satisfied with the actual situation.

II.THE INVOLVED PARTIES AND INTERESTS

The geopolitical analysis offers the instruments for understanding of international relations from the perspectives of two aspects; power relations and the dispute of interests.[16]

The actor is a political, economical, cultural, spiritual entity which has the capacity of imposing or defending its interests in a certain given space and in a

certain historical time.[17] The actors present in the frozen conflict of Georgia are Georgia itself, Russia, South Ossetia, Abkhazia, the United States and NATO.

Georgia has the interest of maintaining its territorial integrity. The president and the government assumed a very clear pro Western attitude. They wanted to enter NATO and to slip away from the Russian influence. But they clearly miscalculated the Russian reaction to their attack. There is no logical explanation for their attack in South Ossetia except that on the long term they wanted to reintegrate South Ossetia in the political Georgian structures.[18] At this point another problem appears. We are dealing in the case of Georgia with intra state and inter state problems.[19] De Jure, South Ossetia and Abkhazia are part of the Georgian state. But the reality is not like that. The majority of the territory of those two regions is controlled by local governments which do not recognize Tbilisi's authority. Many of those citizens had received Russian passports[20] a fact which contradicts the Georgian law (double citizenship). Also Russia has trained South Ossetian troops a fact that is considered by the EU independent commission to have escalated the conflict.[21] There are many economical ties with Russia which in fact is the main financial provider for both those regions. [22]We can say that economically and even politically the two regions are linked more with the Russian state then with Georgia. Furthermore after the war in 2008 Russia and several other states, like Nicaragua, had recognized South Ossetia and Abkhazia as sovereign states. On the long term Georgia cannot accept this because it could mean the breaking up of the country. The problem is that Georgia has not the military means to implement her policies towards Abkhazia and South Ossetia.

Russia is the biggest and most important geopolitical actor in the zone. It could have what Mearsheimer called a regional hegemony.[23] Its interests regarding Georgia, South Ossetia and Abkhazia are diverse. From an economical point of view Georgia is regarded as an important way for energy transportation. The oil pipeline from Baku (Azerbaijan) to Batumi (Georgia) is one of the most important pipelines in the world. Furthermore Russia does not want Georgia to be an alternative way for energy transportation.[24] Moscow through Gazprom controls "Turkmenistan's gas supplying to the West".[25] The Baku-Tbilisi-Ceyhan pipeline connects the energy resources from the Caucasus to the West and it bypasses the Russian territory.[26] The economical interests are convergent with the political and military ones. Russia wants to preserve its influence upon the whole region of the Caucasus. President Vladimir Putin has declared that the biggest geopolitical disaster of the twentieth century was the breaking down of the Soviet Union.[27] Georgia is very important from the geographical point of view. For some geo-politicians it was the heart of the Heartland of Eurasia.[28] It is situated between Russia, Armenia, Azerbaijan and Turkey. All except Turkey were part of the Soviet Union. Turkey is a member of NATO. The Russians politicians since the collapse of the Soviet Union felt uncomfortable with NATO expansion. Some authors are arguing that Russia can't accept Georgia entering NATO because they want Georgia to be on their zone of influence or at least we can add a neutral state.[29] In this sense president Dimitry Medvedev made an interesting statement in 2011. He declared that "for some of our partners, including NATO, it (the war in

Georgia) was a signal that they must think about geopolitical stability before making a decision to expand the alliance.”[30]

The fact is that Russia played an essential role in peacekeeping operations on Georgia’s territory not only in South Ossetia and Abkhazia but also in other parts of that country. Regarding the Caucasus and implicitly Georgia, Russia is the number one military player. Nevertheless they withdrew their troops from Georgia except the two contested regions. On the short term Russia had and has the interest of protecting South Ossetia and Abkhazia and their citizens. Even before the Sochi signed between Georgia and Russia agreements when there was established a permanent Russian peace making force, Russian military help was given to South Ossetia and Abkhazia in the two wars in the 1990’s.[31] But even if they hadn’t been the fact is that from the Sochi agreements Russia enlarged its influence in Abkhazia and South Ossetia from a military, political and economical point of view. This influence was at least as much as in the case of Transnistria and Nagorno Karabakh. We can say that regarding South Ossetia and Abkhazia the Russian interest is to transform them into two de Jure independent states especially if Georgia wants to get out from the Russian influence and to integrate in the Western World. Unlike Georgia Russia has the military means to implement this policy as we can see in the war in 2008. Some authors are considering that Russia is protecting its interest in the so called “imperial patrimony”.[32] It is considered that Russia wants to gain back some of the Soviet influence upon the Caucasus.[33] The same author considers that Russia’s interest is to transform Georgia into an “unsuccessful model of state consolidation, political democratization and economic development” and to prevent other ex-soviet states to adhere to Western structures (the problem is that the Georgians attacked first), “ undermining Saakashvili’s government, “terminating Georgia’s progress to NATO inclusion”’. We consider that the author is right when he asses that Russia wants to maintain some dominance over the Black Sea region by “applying pressure on neighboring states inhabited by Russian minorities or embroiled in separatist disputes (Ukraine, Moldova, Azerbaijan)”[34] Another purpose is to undermine territorial integrity when it’s serves Russian interests and to undermine the Western credibility of being able to give protection to the integrity of the Georgian state.[35] Nevertheless like we stated before we consider that in the case of the war in 2008 the Georgian leaders miscalculated the Russian military and political reaction and perhaps the Western actions to that response. Abkhazia and South Ossetia want their independence from Georgia since the breaking up of the Soviet Union in 1991. There were two wars with Georgia fought for the separation of those two regions from Georgia. The fact is that both South Ossetia and Abkhazia sought refuge to Russia. In the more peaceful times they collaborated with Georgia[36] . Their best deal for them was the creation of a loose confederation in which they would have equal rights with Georgia. Between 1992 and 2006 the relations between them and Georgia improved. Some authors are considering that the policies of Saakashvili of restricting economical exchange and peoples movements between those two regions have worsened the relations with Georgia. One of the problems was that by signing the Sochi Agreements Georgia has given up a part of the sovereignty of South Ossetia and the president Saakashvili did not approve that.[37] From the Wiki Leaks it appears that violence was mounting in

South Ossetia and that the South Ossetians attacked the Georgian forces and that there was no Russian invasion.[38] As the war pointed out there are numerous humanitarian problems regarding an intra-state conflict.[39] Ten of thousands of people had to flee their homes and only a part of them could return.[40] From an international point of view the Commission named by the European Council to analyze the 2008 war considers that Abkhazia and Ossetia are a part of Georgia. Regarding the Helsinki agreement every state has to respect the sovereignty of the other. Georgia, including Abkhazia and South Ossetia is the successor state of the Soviet Republic of Georgia. The only case like in Kosovo when region can separate itself from the state of which is part is the one of humanitarian emergency and ethnic cleansing. Neither met the case in Georgia.[41] On the other hand the fact is remaining that Russia has more influence in South Ossetia and Abkhazia than Georgia. In fact most of the citizens in South Ossetia and Abkhazia have Russian passports.[42] More than that Russia's economic, political and military influence permitted the two regions to exist as de facto states.[43] The South Ossetians and Abkhazians are declaring that they were united by force with Georgia, (they were Soviet citizens not Georgians). On the other hand it appears that 150,000 Georgians had fled both the regions during the war.[44]

The United States has an important interest in Georgia. They had invested before the war a lot of money in the Georgian economy and military. Now there are at least two schools of thought referring to the expansion of NATO. One refers to the expansion of democracy as a better chance for peace, the expansion of free market, a liberal economy. This was sustained by numerous speeches given by President William J. Clinton[45] On the other hand Russia sees NATO expansion as entrancing, containing and as an involvement in its zone of influence.[46] We do not know if Washington gave the green light for the Georgian attack. But there is the possibility that Georgian leaders felt reassured of Western support. If they did they shouldn't have been. It is true that the US and Israel invested a lot in the military of Georgia but in face of the Russian military operations they had to accept the fait accompli and to resort to the political and diplomatic solutions. Faced with the possibility of confrontation with Russia, the US had to change its bellicose statesman. It appears that Israel was forced also by Russia to quit its involvement in Georgia. No political, military or economic action was taken by the Western countries against Russia as they realized that the former was too important international player to be isolated or to be confronted with.[47] The possibility of exclusion of Russia from G-8 organization, the cancellation of NATO-Russia military exercises, the "stalled progress to the WTO", the suspension of High level meetings between NATO and Russia were the measures taken by the West. Georgia is very important for the West. It is a transit route for energy supplies and it is a good military logistic base both offensive and defensive against an eventual war with Iran.[48]

On the other hand many European countries feared the possibility of worsening the relations with Russia so they opted for a diplomatic settlement. Countries like France and Germany did not want the worsening of the relations with Russia. After a meeting with the Russian President Dmitry Medvedev, the German Chancellor Angela Merkel declared "it is rare that all the blame is on one side. In

fact, both sides are probably to blame. That is very important to understand." But at the same time she called the Russian act disproportionate.[49]

On the other hand those countries like Poland [50] and the Baltic states which fear Russian expansionism given the historical record backed Georgia at least in a diplomatic way. The Polish general Gagarin criticized the Georgian attack stating that the Georgians gave way to a Russian plot and ruined their chances to adhere to NATO (in an conversation to the former U.S. ambassador to Georgia John Tefft). We could say that there was a split within NATO regarding the reaction to the Russia-Georgia conflict. "While the United States and post-communist Europe used tough rhetoric against Moscow, Germany, Spain, France and Portugal warned against crossing the line and severing ties with Russia." [51]

The Disputed Zone

Pierre Emmanuel Thomann considers that Georgia is a pivotal state in the Caucasus since "since the control of its territory enables decisive influence to be exerted over geostrategic, energy and economic questions on the Eurasian continent." [52] This author considers that the Russian-Georgian conflict marks the passing to a multi-polar world since the supposed only superpower was „powerless to act" [53] This is in consonance with Mearsheimer theory of the existence of a multi-polar world after the end of the Cold War. [54] And we may add Russia has the potential of having regional hegemony in a part of the Black Sea Region and the Caucasus. In the author's opinion the conflict constitutes an important stage in the dispute for the spheres of influence between Russia and the United States. [55] Russia has gained control over the important strategic regions of Abkhazia and South Ossetia. The first assures more accesses to the Black Sea and of the Georgian port Poti while the second one to the Georgian capital Tbilisi and from there the Russians could „cut off the East-West communications" and to „neutralise the Baku-Poti-Ceyhan oil pipeline". [56] If there is the case of NATO encirclement over Russia we do not agree with the author that Russia has broken that encirclement. [57] The Baltic Republics all former soviet states are in NATO, also Romania, Bulgaria and Turkey. The problem is how far can NATO expand towards Russia. The Georgian war proved there is a limit given by a grand strategy but also by local and regional problems. The author concludes that the European Union should be more close to Russia, and should not sustain the enlargement of NATO, "endangering, Russia borders and creating a sense of insecurity for the Russian leaders. [58] There are several problems with that. Russia broke the international law for invading the rest of Georgia. [59] And in this case Kosovo is not a precedent. Furthermore if we take the offensive realist approach of John Mearsheimer in order to survive the United States and NATO must improve their relative power. [60] Whether this is made by further expansion or not it remains to be seen. Given the historical record NATO has been the only institution to maintain the peace and security for Europe. At the same time as Zbigniew Brzezinsky stated „ For America, the chief geopolitical prize is Eurasia." [61] The geopolitical importance of Georgia is not new. Sir Halford Mackinder warned about the danger of Soviet forces occupying Georgia, and their influence upon the Black Sea and the Caucasus. [62]

II.MEDIA COVERAGE

Mikheil Saakashvili was educated at Harvard, and has powerful connections with the Western World. He sent troops in the Iraqi war. The Georgian leader is using the Public Relations firm Aspect Consulting with headquarters at Brussels, Paris and London.[63] Russia has been accused of ethnic cleansing, bombing towns and attacks on the civilian population. In the British press the Russian tanks were “rampaging” while the Georgian ones were “moving”.

Georgia had a better PR campaign, the President wrote for the Wall Street Journal, the western journalists were well received and they were shown the places supposed to be bombarded by the Russian Army. Russia preferred not to use too much the PR firms of Gplus Europe and Ketchum, the Georgian version been more present in the media. The author states that Georgia has won the media war.[64] Mary Dejevsky declared that „there is quite hard to argue that there is only one law for assisting the Albanians in Kosovo and quite another for Russians and Ossetians in Georgia”[65] There is this analogy but the Russian troops occupied large parts of Georgia itself. The fact that the war between Georgia and Russia transformed itself into a frozen conflict is showed by the PR confrontation between Georgia on the one hand and Russia, Abkhazia and South Ossetia on the other. Each state or region hired PR western firms to present in a better way their point of view and to sustain their interests.[66] Firms like Saylor Group, Pasadena California, Ketchum, Aspect were used for the states and political entities to improve their image in world media.[67] Millions of dollars had been paid. Abkhazia and South Ossetia sustain that there are not simple pawns in the territorial battle between Russia and Georgia but places with an individual history and culture. Russia has used the PR firms especially in covering economical issues. A Kremlin official: „We are like school children when it comes to using the media. But we are learning”[68]

CONCLUSIONS

As a conclusion we can state that the Russian-Georgian conflict is a frozen one because neither state is satisfied with the current situation. At a regional level Russia wants to maintain and expand its influence in the Caucasus. South Ossetia and Abkhazia are recognized by Russia and could or not be integrated within Russia. Georgia till now could not accept the partition of its territory but at the same time managed to distance itself from the Russian influence. The United States and NATO have stopped their expansion. We could state that Georgia is caught between the West and Russia. For the war in Georgia probably both sides were to blame - the Georgians for the initial attack and the Russians for invading Georgia. The Georgian war was a consequence of the frozen conflict, of the problem with South Ossetia and Abkhazia minorities. But also the war and the frozen conflict are the results of two visions, a pro western Georgian one and a Russian one.

References

[1] Prof. Hans-Georg Heinrich, Kirill Tanaev GEORGIA & RUSSIA: CONTRADICTIONARY MEDIA COVERAGE OF THE AUGUST WAR Caucasian Review of

International Affairs From Vol. 3 (3) - Summer 2009 http://cria-online.org/8_2.html, accessed on 9th April, 2012, 11.07 a.m.

[2] Independent International Fact-Finding Mission on the Conflict in Georgia,, http://www.ceiig.ch/pdf/IIFFMCG_Volume_I.pdf, accessed at 11th April, 9.45 a.m, p.5

[3] Benjamin Bider, 2009, News Report on Russia-Georgia war, EU investigators Debunk Saakashvili's Lies,, Spiegel Online, <http://www.spiegel.de/international/world/0,1518,652512,00.html>, accessed on 11th April, 10.25 a.m.

[4] Independent International Fact-Finding Mission on the Conflict in Georgia, p.5, http://www.ceiig.ch/pdf/IIFFMCG_Volume_I.pdf, accessed at 11th April, 9.45 a.m, pp.22,23,24

[5] Benjamin Bider, 2009 News Report on Russia-Georgia war, EU investigators Debunk Saakashvili's Lies,, Spiegel Online, <http://www.spiegel.de/international/world/0,1518,652512,00.html>, accessed on 11th April, 10.25

[6] Independent International Fact-Finding Mission on the Conflict in Georgia, p.5, http://www.ceiig.ch/pdf/IIFFMCG_Volume_I.pdf, accessed at 11th April, 9.45 a.m, p.13

[7] Independent International Fact-Finding Mission on the Conflict in Georgia, p.5, http://www.ceiig.ch/pdf/IIFFMCG_Volume_I.pdf, accessed at 11th April, 9.45 a.m, p.13

[8] Ibid. p.14

[9] Ibid. P.14

[10] Ibid. p.14

[11] Ibid. pp.14, 15

[12] Ibid.

[13] Ibid. pp.15, 16

[14] Ibid. p.19

[15] Ibid.

[16] Constantin Hlihor, Constantin Hlihor, 2005, Geopolitics and Geostrategy, University of Defence, Carol I, Bucharest p.146

[17] Ibid. p.19

[18] Belfast Telegraph, 2008, Georgia on the brink of full-scale war as it launches offensive in South Ossetia, <http://www.belfasttelegraph.co.uk/news/world-news/georgia-on-the-brink-of-fullscale-war-as-it-launches-offensive-in-south-ossetia-13934467.html>, accessed on 14 April, 2012, 8.50 a. m.

[19] Independent International Fact-Finding Mission on the Conflict in Georgia, p.5, http://www.ceiig.ch/pdf/IIFFMCG_Volume_I.pdf, accessed at 11th April, 9.45 a.m, p.36

[20] Benjamin Bider, 2009, News Report on Russia-Georgia war, EU investigators Debunk Saakashvili's Lies,, Spiegel Online, <http://www.spiegel.de/international/world/0,1518,652512,00.html>, accessed on 11th April, 10.25

[21] Ibid.

- [22] Alexander Skakov, 2011, South Ossetia, Aftermath and Outlook, Carnegie Moscow Center, Black Sea Peace Building Network, Russian Expert Group Report, no. 2011/1 http://carnegieendowment.org/files/Report_ossetia_eng_2011.pdf, accessed on 14 April, 2012, 9.03 a.m.
- [23] John J. Mearsheimer, 2001, The Tragedy Of Great Power Politics, W. W. Norton & Company, New York, p.236
- [24] Janusz Bugajski, 2010 Georgian Lessons, Conflicting Russian and Western Interests in the Wider Europe, A Report of the CSIS New European Democracies Project and the Lavrentis Lavrentiadis Chair in South East European Studies, http://csis.org/files/publication/102110_Bugajski_GeorgianLessons.WEB.pdf, accessed on 11th April 2012, 11.50 a.m., p.2 and Vincent Gagnon-Lefebvre, 2008, Georgia War and Energy Geopolitics, Conflict In South Ossetia Put In Context, in European Affairs Suite 101 <http://vincent-gagnon-lefebvre.suite101.com/georgia-war-and-energy-geopolitics-a69135> accessed on 12th April, 1.35 p.m.
- [25] Vincent Gagnon-Lefebvre, 2008 Georgia War and Energy Geopolitics, Conflict In South Ossetia Put In Context, in European Affairs Suite 101 <http://vincent-gagnon-lefebvre.suite101.com/georgia-war-and-energy-geopolitics-a69135> accessed on 12th April, 1.35 p.m.
- [26] Ibid.
- [27] BBC News, 2005, Putin Deplores The Collapse of the Soviet Union, <http://news.bbc.co.uk/2/hi/4480745.stm>, accessed on 13 April 2012, 3.05 p.m.
- [28] David J. Smith, 2009 History and Geopolitics: 1920-1921 Help Explain Russia's 2008 War on Georgia, Saati, http://www.potomac institute.org/attachments/128_24Saati_1920_2_2_09Send.pdf, accessed on 13 April, 2012, 12.40 p.m.
- [29] Janusz Bugajski, 2010, Georgian Lessons, Conflicting Russian and Western Interests in the Wider Europe, A Report of the CSIS New European Democracies Project and the Lavrentis Lavrentiadis Chair in South East European Studies, http://csis.org/files/publication/102110_Bugajski_GeorgianLessons.WEB.pdf, accessed on 11th April 2012, 11.50 a.m. p.1
- [30] *Fyodor Lukyanov*, 2011 The Russian-Georgian war as a turning point, 24 November 2011, Russia in Global Affairs, <http://eng.globalaffairs.ru/redcol/The-Russian-Georgian-war-as-a-turning-point-15381> accessed on 12th April 2012, 2 p.m.
- [31] Independent International Fact-Finding Mission on the Conflict in Georgia, p.5, http://www.ceiig.ch/pdf/IIFFMCG_Volume_I.pdf, accessed at 11th April, 9.45 a.m., p.13
- [32] Janusz Bugajski, 2010, Georgian Lessons, Conflicting Russian and Western Interests in the Wider Europe, A Report of the CSIS New European Democracies Project and the Lavrentis Lavrentiadis Chair in South East European Studies, http://csis.org/files/publication/102110_Bugajski_GeorgianLessons.WEB.pdf, accessed on 11th April 2012, 11.50 a.m., p.1
- [33] Ibid.
- [34] Janusz Bugajski, 2010, Georgian Lessons, Conflicting Russian and Western Interests in the Wider Europe, A Report of the CSIS New European Democracies Project and the Lavrentis Lavrentiadis Chair in South East European Studies,

http://csis.org/files/publication/102110_Bugajski_GeorgianLessons.WEB.pdf, accessed on 12th April 2012, 10.20 a.m., p.2

[35] Ibid. pp.2,3

[36] Sergei Markedonov, 2010, Wiki Leaks reopens debate of Russia-Georgia War, in Russia Beyond The Headlines http://rbth.ru/articles/2010/12/06/what_does_wikileaks_say_about_russian_georgian_war05183.html, accessed on 11th April, 2012, 10.44 a.m

[37] Ibid.

[38] Ibid.

[39] Independent International Fact-Finding Mission on the Conflict in Georgia, http://www.ceiig.ch/pdf/IIFFMCG_Volume_I.pdf, accessed at 11th April, 9.45 a.m.p.36

[40] Independent International Fact-Finding Mission on the Conflict in Georgia, http://www.ceiig.ch/pdf/IIFFMCG_Volume_I.pdf, accessed at 11th April, 9.45 a.m., p.27

[41] Ibid. pp.13, 17

[42] The Christian Science Monitor Russia-Georgia Conflict, Why Both Sides Have Valid Points, August 18, 2008 <http://www.csmonitor.com/World/Europe/2008/0819/p12s01-woeu.html>, accessed on 12th April 2012, 4.10 p.m., p.2

[43] Ibid. p.1

[44] Ibid.

[45] William J. Clinton, 1997 "Commencement Address", United States Military Academy, West Point, NY, May 31, in John J. Mearsheimer, 2001, The Tragedy Of Great Power Politics, W. W. Norton & Company, New York, p.9 note 9

[46] Alison Williams, 2010, Russia names NATO expansion as a National Threat, Reuters, <http://www.reuters.com/article/2010/02/05/us-russia-defence-doctrine-idUSTRE6144LA20100205>, accessed on 13 April, 2012, 3.29 p.m. and Lucia Kubosova 2008, New Russian leader warns Europe over NATO expansion, euobserver.com, <http://euobserver.com/24/25861> accessed on 13 April, 2012, 3.34 p.m

[47] Janusz Bugajski, 2010, Georgian Lessons, Conflicting Russian and Western Interests in the Wider Europe, A Report of the CSIS New European Democracies Project and the Lavrentis Lavrentiadis Chair in South East European Studies, http://csis.org/files/publication/102110_Bugajski_GeorgianLessons.WEB.pdf, accessed on 11th April 2012, 11.50 a.m., p.1

[48] Pierre Emanuel Thomann, 2008, Russia-Georgia, the multipolar world's first war, La Revue Geopolitique, Défense nationale et sécurité collective, <http://www.diploweb.com/Russia-Georgia-the-multipolar.html> accessed on 12th April, 2012, 10.45 a.m.

[49] The Christian Science Monitor Russia-Georgia Conflict, Why Both Sides Have Valid Points, August 18, 2008 <http://www.csmonitor.com/World/Europe/2008/0819/p12s01-woeu.html>, accessed on 12th April 2012, 4.10 p.m., p.2

- [50] Sergei Markedonov, 2010, Wiki Leaks reopens debate of Russia-Georgia War, in Russia Beyond The Headlines http://rbth.ru/articles/2010/12/06/what_does_wikileaks_say_about_russian_georgian_war05183.html, accessed on 11th April, 2012, 10.44 a.
- [51] Ibid.
- [52] Pierre Emanuel Thomann, 2008, Russia-Georgia, the multipolar world's first war, La Revue Geopolitique, Défense nationale et sécurité collective, <http://www.diploweb.com/Russia-Georgia-the-multipolar.html> accessed on 12th April, 2012, 10.45 a.m.
- [53] Ibid.
- [54] John J. Mearsheimer, 2001, The Tragedy Of Great Power Politics, W. W. Norton & Company, New York, pp. 1-3,9
- [55] Pierre Emanuel Thomann, 2008, Russia-Georgia, the multipolar world's first war, La Revue Geopolitique, Défense nationale et sécurité collective, <http://www.diploweb.com/Russia-Georgia-the-multipolar.html> accessed on 12th April, 2012, 10.45 a.m.
- [56] Ibid.
- [57] Ibid.
- [58] Ibid.
- [59] See note 5
- [60] John J. Mearsheimer, 2001, The Tragedy Of Great Power Politics, W. W. Norton & Company, New York, pp. 3,46,169,362
- [61] Zbigniew Brzezinski, 1997, The Grande Chessboard, American Primacy And Its Geostrategic Imperatives, Basic Books, New York, p.30
- [62] David J. Smith, 2009 History and Geopolitics: 1920-1921 Help Explain Russia's 2008 War on Georgia, Saati, http://www.potomac institute.org/attachments/128_24Saati_1920_2_2_09Send.pdf, accessed on 13 April, 2012, 12.40 p.m.
- [63] Peter Wilby, 2008, Georgia has won the PR war, The Guardian <http://www.guardian.co.uk/media/2008/aug/18/pressandpublishing.georgia>, accessed on 9th April, 2012, 9.30 a.m.
- [64] Ibid.
- [65] Ibid.
- [66] David Teather, 2009, The Guardian, PR Groups cash in on the Russian Conflict, <http://www.guardian.co.uk/media/2009/aug/24/public-relations-russia-georgia-ketchum>, accessed on 9th April, 2012, 10.40 a.m.
- [67] Ibid.
- [68] Ibid.

Bibliography

Books

- HLIHOR, Constantin**, (2005), *Geopolitics and Geostrategy*, Bucharest, University of Defence Carol I
- MEARSHEIMER John J.**, (2001), *The Tragedy of Great Power Politics*, New York, W. W. Norton & Company

BRZEZINSKI Zbigniew, (1997), *The Grand Chessboard American Primacy And Its Geostrategic Imperatives*, New York, Basic Books

Articles:

BBC News, 2005, *Putin Deplores The Collapse of the Soviet Union*, <http://news.bbc.co.uk/2/hi/4480745.stm>,

Belfast Telegraph, 2008, *Georgia on the brink of full-scale war as it launches offensive in South Ossetia*, <http://www.belfasttelegraph.co.uk/news/world-news/georgia-on-the-brink-of-fullscale-war-as-it-launches-offensive-in-south-ossetia-13934467.html>,

BIDER, Benjamin, 2009, *News Report on Russia-Georgia war, EU investigators Debunk Saakashvili's Lies*, Spiegel Online, <http://www.spiegel.de/international/world/0,1518,652512,00.html>

BUGAJSKI Janusz, 2010, *Georgian Lessons, Conflicting Russian and Western Interests in the Wider Europe*, A Report of the CSIS New European Democracies Project and the Lavrentis Lavrentiadis Chair in South East European Studies, http://csis.org/files/publication/102110_Bugajski_GeorgianLessons.WEB.pdf

The Christian Science Monitor Russia-Georgia Conflict, Why Both Sides Have Valid Points, August 18, 2008 <http://www.csmonitor.com/World/Europe/2008/0819/p12s01-woeu.html>

HEINRICH Hans-Georg, *Tanaev Kirill*, 2009, *Georgia & Russia: Contradictory Media Coverage of the August War* *Caucasian Review of International Affairs* From Vol. 3 (3) - Summer 2009 http://cra-online.org/8_2.html,

Independent International Fact-Finding Mission on the Conflict in Georgia, http://www.ceiig.ch/pdf/IIFFMCG_Volume_I.pdf

LEFEBRE Vincent Gagnon, 2008, *Georgia War and Energy Geopolitics, Conflict In South Ossetia Put In Context*, in *European Affairs Suite 101* <http://vincent-gagnon-lefebvre.suite101.com/georgia-war-and-energy-geopolitics-a69135>

LUKYANOV Fyodor, 2011, *The Russian-Georgian war as a turning point*, 24 November 2011, *Russia in Global Affairs*, <http://eng.globalaffairs.ru/redcol/The-Russian-Georgian-war-as-a-turning-point-15381>

MARKEDONOV Sergei, 2010, *Wiki Leaks reopens debate of Russia-Georgia War, in Russia Beyond The Headlines* http://rbth.ru/articles/2010/12/06/what_does_wikileaks_say_about_russian_georgian_war05183.html,

SKAKOV Alexander, 2011, *South Ossetia, Aftermath and Outlook*, *Carnegie Moscow Center, Black Sea Peace Building Network, Russian Expert Group Report*, no. 2011/1 http://carnegieendowment.org/files/Report_ossetia_eng_2011.pdf

SMITH David J., 2009, *History and Geopolitics: 1920-1921 Help Explain Russia's 2008 War on Georgia*, Saati, http://www.potomac institute.org/attachments/128_24Saati_1920_2_2_09Send.pdf

TEATHER David, 2009, *The Guardian, PR Groups cash in on the Russian Conflict*, <http://www.guardian.co.uk/media/2009/aug/24/public-relations-russia-georgia-ketchum>

THOMANN Pierre Emanuel, 2008, *Russia-Georgia, the multipolar world's first war*, *La Revue Geopolitique, Défense nationale et sécurité collective*, <http://www.diploweb.com/Russia-Georgia-the-multipolar.html>

WILBY Peter, 2008, *Georgia has won the PR war*, *The Guardian* <http://www.guardian.co.uk/media/2008/aug/18/pressandpublishing.georgia>

WILLIAMS Alison, 2010, *Russia names NATO expansion as a National Threat*, *Reuters*, <http://www.reuters.com/article/2010/02/05/us-russia-defence-doctrine-idUSTRE6144LA20100205>

A NEW PRESIDENCY FOR RUSSIA?

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Abstract

As we note in 4 March, the actual prime minister of Russian Federation was elected again to be president. These elections represent for Russia and for all countries which are interested in its situation an important test.

In fact, the test is not so much for international relations or for economic dimensions of foreign affairs. In the same time, is not the same position like in 2004 for internal situation of Russia. The times changes, the prices are growing and new generations have internet now. In this combination, the pretensions are higher and the response of Russian presidency is more careful watch today inside its own country.

Thus, pretensions mean an active population – or a population who start to understand something and, secondly, to want something new. When this circle is hidden, all parts of it must work something: tor sure, the president too.

Our text tries to describe some ideas in this field, with a better or worse interpretation – time will decide, like Genghis-Khan (a person who let something in Russian memory) always said.

Keywords: Vladimir Putin, presidency, Russia, generations, attitude, future.

DEBATS

I. Russia is the greatest country of these times – a country as a continent. With this dimension, it is normal to be considered – mainly today, when a big number of new states appeared as an empire, with some special characteristics. The empires had an important dimension or not; they was long – as time – or not, but all of them left some special ideas in the mentality of their people and for contemporary politics (here we can watch on-line wars between simple “internauts” with passion for study of history. Big empires appeared mainly in Asia – if we look on historical map, we can find Persian empires, empires from Mesopotamia and from Arab peninsula, and the interesting actions in China and India. If we start underlining these ideas, we must think a little: European peoples created states which are settled more by laws and rule of law in 20th century, but Asian and Eurasian peoples created much more empires. The norm/standard was to create a state in Europe, with the exception to create an empire; in Asia and Eurasia to create an empire was the more predictable. In this case, we can imagine that imperial mentality can be created much easier in Oriental part of “Old Europe” (if we remember Dick Cheney expression) and we must analyze the consequence of this kind of affirmation. Even today the behavior of a good part of Asian people is very

obedient to any kind of political and administrative power, the relation with the administrative institutions being understood linear, without comments and expectations for a real good administration. The main characteristic for imperial mentality is the “going forward” politics on international affairs – as it is described by cynical doctrine specialists, it is better to solve your problems on your neighbor territory. In this rhetoric, it is necessary to have always some special and very menacing politicians involved in international relations. After World War II the situation started to homogenize – national state become real standard and the citizen democracy started to be implemented everywhere. More that that, after Helsinki acts during the 70’ies the human rights politics was able to create a big break (of course, helped by other important dimensions of world affairs) on communist area. The result was tremendous in Europe (in less that 20 year NATO and European Union replace a good part of Warsaw Treaty and COMECOM) and on former Soviet Union.

II. The period between World War II and the Gorbachev reforms was only a mad race for more weapons, more capacities for destruction and superior position on international organizations. If the political war was won by Soviet Union, the economy and the mentalities defeat politics. In this case, the single solution was to make some reforms in economy, accepting some changes on global chessboard – imperial mentality being directed stroked by these abandon.

The 1989 – 1991 years change complete the face of Europe – Germany reappeared, Czechoslovakia and Yugoslavia collapsed (the second case was more predictable), and for the first time, a good part of former Russian empire before 1917 started their independent life without menace of communist invasion. Belovejskaya forest agreement, presented by Mr. Vladimir Putin as the main geopolitical catastrophe of 20th century finally close a “mad time”, with more hopes for millions of people in Europe, Eurasia and Asia. Since 1990 a good part of former communist states started a new road to democracy. For this kind of democracy only citizens was ready – but they didn’t know the costs – and Eastern Europe politicians were forced to reinvent themselves. More or less socialists, more or less democrats, the political vocabulary was changed and – more important – the general purpose was to speak about truth. In this case, the truth represents to remember recent history and it started a short public debate: where is the correct direction?

The correct direction was free economy and free capital entrance – the economic trends was simple to be understood. But on international affairs Moscow was seen as a menace; despite Soviet troop’s retirement from former communist states of Europe (with one exception, Romania, who send them back in USSR in 1958), Russia replace naturally the former position of Soviet Union: in Eastern Europe mentality, atomic bombs, soldiers, secret services and pipelines still exists and against all of them, it was only one solution: NATO. The negotiations with NATO – mainly with USA – were difficult, but it was some arguments that helped to a positive result. Not for all former communist states in first 10 years, but in less than 15 years NATO military presence was close to Russian border – for example, just 150 km to Sankt-Petersburg. In the same time, accepting Romania and Bulgaria, NATO Black Sea border increase its limits, being a big arch in front of Russian

Black Sea fleet. The alliances are created, they develop and one day is finished, NATO had a problem with “ration of living” before 9/11. From that moment, a lot of things had changed, and the military accent travel to Central Asia – “stan” countries (Stan = territory, in many languages of Asia).

We must note two things:

a) Military operations are not for decades. It means one day NATO troops must withdraw completely, to let local state administration to implement democratic institutions;

b) For a stronger implication of NATO troops in Asia it was necessary to have Russian cooperation. In this case, big power negotiations were profitable for Russian interests in Europe – more presence of Russian enterprises in European economy.

After two years, the Iraqi war started and the NATO position was different – from that moment, Washington took the initiative. In this way, the US affirmed its role – global hegemony – but the reaction was not positive; many metropolis host big manifestations against American policy. And that moment can be considered like Rubicon of international relations too, when all states were forced to chose their allies. US act like global hegemonic power in 2003, not all NATO states accepted this – their national interest was different in Baghdad – but “New Europe” sustained Washington positions. After few months soldiers from Romania, Poland, etc. entered in Iraq to implement the national interest, related to US and accepted by national parliaments. However, the military unity of Europe after 9/11 collapsed; on the ruins of this unity new alliances appeared, build by gas and oil pipelines: on that moment, Russia came back on European affairs and its presence was not only accepted, but also wished by few capitals: it was Schroeder time and the agreement for Blue Stream started to be settled on paper. We cannot criticize these realities – is not fair play – the truth is that states have always interests and politics is not a sentimental affair. Is more important for states (mainly for big powers) to have a correct estimation for the costs of their operations, mainly in their relations with smaller states: “for every state there is a Vietnam” (Afghanistan for USSR, Yugoslavia for Germany, Indochina for France, etc.) and *historia magistra vitae est* for practitioners of international affairs. During the period 2003 – 2008 USA started to act single, like a single global power. The contra-reaction was made soon, almost all big economies with historic pretensions as regional leaders from Europe, Asia and Eurasia adopt a new vocabulary and started to find new directions of cooperation. If military cooperation was almost impossible (few of them are NATO members), economic and legal dimensions were free on charge. In fact, we can consider that in 2003 – 2004 it started a short geopolitical competition, where:

a) USA act with NATO acceptance and a free strategy for democracy in Georgia and Ukraine, in the same time, USA gives certificate for the economies of former communist states, helping them to enter into European Union (in 2007);

b) European countries which opposed to Iraq war increase their economic cooperation with Russia – big pipelines projects was created (as intentions) on this time – and started to create a Constitution for European Union, adopted in 2005 (but rejected by citizens in France and Netherlands). In this second political action, the strength of European Union unity could be a stronger obstacle against any other “big

ideas”, not only from Washington, but also from Beijing, OPEC or any other capital/organization.

United States tried to implement a global strategy against terrorism and to any other menaces against its interests. One of them is the security of Europe, because the main economic interest for US is in Europe – the same position for rule of law makes, in fact, to exist a common position on both banks of Atlantic Ocean in many domains of activity.

III. All these fact was watch very carefully in great Moscow political laboratories. If the first years of '90-ies was not so simple to be stopped, the situation changed after 1996, when the physical position of Russian president become very bad: in political laboratories start a new project: a new leader form the 3rd millennium.

When Mr. Vladimir Putin ascended to power in 1999–2000, he was virtually unknown both in Russia and abroad. A former KGB officer, he had returned to his native Leningrad (St. Petersburg) from a KGB assignment in East Germany less than ten years earlier. Although relatively short in the context of Russian history, Putin's eight years as president were critical in Russia's development. During Putin's two terms as president, the political system was stabilized as executive-legislative relations became less acrimonious, and restive governors were reined in as the center reestablished political control. In the economic sphere, economic growth revived a moribund economy. As real incomes increased, life became “normal” for most Russians. Based on rising energy prices, Russia became an important economic player in Europe and Asia, exporting not only energy but also grain and other raw materials. At times, Russia appeared to misuse its energy power, as in 2006 when it cut off gas supplies to Ukraine over disputes concerning prices, payment of debt, and theft.[1] Whether or not Russia was “right” in this and other energy disputes, the effect was to raise concern in Europe over Russia's reliability as an energy supplier, and in the United States over Russia's perceived use of energy as a tool of foreign policy.

Dirigisme in the economy was accompanied by ever more suffocating restrictions on the free play of political pluralism and democratic competition. Putin came to power committed to the “normalization” of Russia, in the sense of aligning its internal order to the norms practiced elsewhere and establishing Russia's foreign policy presence as just another “normal great power,” yet there remained something “extraordinary” about the country.[2]

Russia under Putin emerged as a dual state. Elements of this were already evident under Yeltsin, but the divergence between the formal constitutional order, the rule of law, and autonomous expression of political and media freedoms, on the one hand, and the instrumental use of law and attempts to manage political processes, on the other hand, became ever wider. Putin's administration was careful not to overstep the bounds of the letter of the constitution, but the system of “managed democracy” conducted itself with relative impunity and lack of effective accountability. It was firmly located in the gray area of para-constitutionalism, a style of governance that remains true to the formal institutional rules but devises various strategies based on technocratic (rather than democratic) rationality to

achieve desired political goals. Putin's para-constitutionalism did not repudiate the legitimacy of the constitution but in practice undermined the spirit of constitutionalism.[3]

Two political systems operate in parallel. On the one hand, there is the system of open public politics, with all of the relevant institutions described in the constitution and conducted with pedantic regulation in formal terms. At this level, parties are formed, elections fought, and parliamentary politics conducted. However, at another level, a second para-political world exists based on informal groups, factions, and operating within the framework of the inner court of the presidency. This Byzantine level never openly challenged the leader but sought to influence the decisions of the supreme ruler. This second level is more than simply "virtual" politics, the attempt to manipulate public opinion and shape electoral outcomes through the pure exercise of manipulative techniques.[4] However, by seeking to reduce the inevitable contradictions that accompany public politics into a matter of technocratic management, Mr. Vladimir Putin inevitably exacerbated the contradictions between the groups within the regime. Putin placed a high value on civil peace, and thus opposed a return to the antagonistic politics typical of the 1990s, but this reinforced the pseudopolitics typical of court systems. The suffocation of public politics intensified factional processes within the regime. Putin left the presidency as prescribed by Russia's constitution, and in May 2008 power was transferred to his nominee, Dmitri Medvedev, but Putin then took up the duties of prime minister and was thus able to ensure that "Putinism after Putin" would continue. Mr. Dmitri Medvedev, as we shall see, came to power committed to strengthening the constitutional state vis-à-vis the prerogative state, above all by strengthening the rule of law and tackling corruption. That this was his top priority reinforces the argument that the interaction between the two levels is the key to understanding contemporary Russian politics. Medvedev, moreover, was not so burdened by the concerns of Putin's presidency. He was less scarred by the bitter disappointments of the Yeltsin and Putin years, when it appeared that "strategic partnership" with the West could only be achieved at the cost of Russia's perceived interests as a great power and as a distinct civilization.

IV. The Soviet Union has been characterized by many analysts as "the world's largest-ever police state." The behavior of its coercive organizations, such as the military, the police, and the secret police, tells us much about the character of a state. The collapse of "the world's largest-ever police state" introduced a period of remarkable political and economic change in Russia.

The USSR's productive strengths and weaknesses can be traced to its authoritarianism. The Bolsheviks constructed a productive mechanism based primarily on physical systems management principles rather than the "value" principles of markets. This mechanism allowed the state to organize and control factors, output, and distribution without external pressures – and the limits of this kind of legal organization was obvious at the end of communism / beginning of "new rich times". Although the Soviet collapse is conventionally referred to as peaceful, and by comparative standards perhaps it was, it was not entirely so, with multiple wars and violent conflicts. Moreover, in the view of many Russians, the

collapse ushered in not just a period of turmoil and uncertainty, but also a period in which the risk of becoming a victim of crime or violence significantly increased. The need for competent policing was obvious. Russia did indeed need strong state power. In this idea, we must understand the citizen's expectations form new candidates. Mr. Vladimir Putin doesn't know whether Russian "civilization" is compatible with the enlightenment precepts of economic liberty, democracy, and social justice – precepts that are founded on rational individual utility seeking, guided by the Golden Rule, and implemented through the rule of contract. V.V. Putin cannot be sure that Russian culture is any more compatible with the EU social democratic welfare state or that Russia can survive with its Muscovite economy, representational authoritarianism and structural militarization. But he must somehow decide whether to preserve the status quo, tilt to the American or Franco-German dream, or chart some other course, cognizant that the "rest" cannot be best. Because, in fact, there is Moscow region and its economy – almost 20 millions people, being the richest part of the country.[5] The origin of the dual state lies in the nature of the modernization program pursued by Putin's leadership. It was genuinely committed to the development of Russia as a modern state and society comfortable with itself and the world. At the same time, it sought to overcome the failings of what it considered the excesses of the 1990s under the leadership of president Boris Yeltsin, notably the pell-mell privatization, the liberalism that gave rise to inequality epitomized by the enormous wealth of a handful of "oligarchs," and the "anarcho-democracy" characterized by the hijacking of the electoral process by business-dominated media concerns and regional elites. Society was left disoriented and alienated by the changes, yet it appeared that they did not threaten the market or democracy. The informal networks that had sustained people during the turmoil of *perestroika* helped people adjust to the collapse of the USSR and the emergence of a new order. Above all, public attitudes were permeated by a thorough democratism, for the institutions of democracy if not for the democrats themselves. A study in Yaroslavl' examined whether Russian political culture was compatible with the establishment of democratic institutions and discovered substantial support for democratic values and institutions. A follow up study a decade later confirmed the earlier argument: there were deeper popular roots to democracy than the pessimistic school would suggest. There appeared to be a high degree of social consensus on basic values like non-violence, the democratic resolution of conflict, and economic reform. This might suggest that there was little chance for a nationalist or neo-communist government coming to power, and the desire for strong government did not entail support for authoritarianism.

V. Mr. Vladimir Putin made building this strong state the central goal of his presidency, and he relied heavily on coercive organizations in this endeavor. For this, the Constitutional help was not only wished, but much more necessary. We must describe the president attributions in Russia, to understand much better the real powers of the person who really rule this state. A presidential system emerged in the last Soviet years to compensate for the decline of the Communist Party, and later the presidential option looked increasingly attractive to overcome the crisis of reform in Russia. Under Yeltsin executive authority became relatively independent from the

legislature, a trend given normative form by the 1993 constitution. Many functions of the old legislature, including some of its committees and commissions, were incorporated into the presidential system, providing yet another massive impetus to the inflation of the presidential apparatus. By the same token, some of the conflicts that had formerly taken place between the two institutions were now played out within the presidential system itself. A dual executive system emerged, with the presidency and the government often duplicating each other.

The Russian presidency began to take on the features of the Tsarist or Soviet systems, with weak prime ministers responsible mainly for economic affairs, a minimal separation of powers and with politics concentrated on the leader. Under Yeltsin an unwieldy concentration of power was achieved, marked by corruption, clientelism and inefficiency. One of the challenges facing Putin was to improve the efficacy of the presidential administration itself. Russia's semi-presidential system is modeled on that of France, although with some important differences. The 1993 constitution grants the presidency extensive powers in naming governments, introducing legislation and making policy. The president is the head of state and the 'guarantor' of the constitution (Article 80), elected for a four-year term with a maximum of two consecutive terms (thus allowing a return to the presidency after a break), but without an age limit (Article 81). However, this term was changed to 6 years (in 2008). In that moment, it was the most radical change in whole Europe, because the maximum duration of a presidential mandate is only 5 years – France and Romania – we choused these countries because now only here we can find a state president with real politics and administrative powers. The powers of the presidency are based on a combination of appointment powers and policy prerogatives. The president nominates the prime minister and can chair cabinet meetings, proposes to the State Duma the director of the Central Bank, nominates to the Federation Council members of the Constitutional, Supreme and Supreme Arbitration Courts, and also nominates the Procurator General. The president is also head of the Security Council, confirms Russia's military and foreign policy doctrines, appoints the commander-in-chief of the Armed Forces, and 'exercises leadership of the foreign policy of the Russian Federation' (Article 86). The president is granted the right to introduce a state of emergency and suspend civil freedoms until new federal laws are adopted. The president reports annually to a joint meeting of the two houses of the Federal Assembly on domestic and foreign policy. The president has the right to issue binding decrees which do not have to be approved by parliament, that have the power of law; they must not, however, contradict the constitution; and they are superseded by legislative acts.[6]

Impeachment is extremely difficult, requiring a ruling on a demand by a Duma commission (set up with at least 150 votes) by both the Supreme and Constitutional Courts, to be confirmed by two-thirds of both the State Duma and the Federation Council, and can only be initiated only in the event of 'treason or commission of some other grave crime' (Article 93.1). The president has the right to veto legislation of the Duma and in extreme circumstances to dissolve it (Article 109, and see Chapter 9); if the Duma rejects the president's nomination for the post of prime minister three times, it is deemed to have dissolved itself. Given the sad history of the vice-presidency (Yanaev and Rutskoi), it is not surprising that the

December 1993 constitution abolished the post. In the event of the president's incapacity or resignation, power is transferred 'temporarily' to the prime minister and new presidential elections must be scheduled within three months (Article 92.2). The acting president is forbidden 'to dissolve the State Duma, to schedule referendums or to submit proposals on amendments to the Russian constitution or on revising its provisions' (Article 92.3).

The government is subordinated to the president and, formally, does not have to represent the majority party or coalition in parliament (see below). The government is appointed by the president and responsible to him or her. Like the Tsar according to the 1906 constitution, who reserved to himself responsibility for foreign policy, control of the armed forces and the executive, the constitution (Article 80) grants the president control over four key areas: security, defense, home and foreign affairs. Russia's presidency in effect acts as a duplicate government, with the functions of ministries often shadowed by agencies under the presidency. The prime minister therefore exerts only partial control over their own ministers, and is deprived of control over the so-called 'power ministries' responsible for domestic security.

VI. The year 2008 was very important for global politics – in fact, the consequences of it are not replaced today. In the same time, that year activate a new kind of accent for international relations, who increase the role of most energetic/vigorous strikes and les the role of diplomacy.

Thus, 2008 represents 5 important moments:

a) Last year of G.W. Bush Jr. presidency. Is normal for every politician to try to fulfill his strategic project, but he was seen as too unilateral person: big powers create obstacles against him, expecting a new attitude for the new president. In fact, Obama was wanted by many people, despite of its real level of politic skills – the elections was almost “blind” and the winner was known with few months ago. The discussion about a real strategy (because Bush actions changed world for 50 years at least) was absent – in fact, after such a destiny change made in 2001 and 2003 a new vision for state can be construct in many months and years; the 2008 had many events and not too much time to think for next years. In fact, the actual problem of Obama's image is this disproportion between expectances (who was global) and “real reality”: democrats were not really ready to rule U.S.;

b) NATO summit on Bucharest, when Ukraine was not accepted to enter. On that moment USA was in diplomatic conflict with Russia, Germany and France; even Russian president come to reject American plan. It was the main moment of the battle between neo-cons and Russian international politics – if Ukraine was accepted, the destiny of Russian power (*vlast*) was clear: “second-hand political power” (only a resource country for strongest economies);

c) Summer of 2008 has marked by a military conflict between Russia and Georgia. It was obvious for global community that Moscow (despite its new president) couldn't accept to much American influence in what is named “close foreign countries”. European countries – with few exceptions, mainly of “New Europe” – was paralyzed and the shock wave destruct Yushchenko presidency.

d) It was also the last year of Mr. Vladimir Putin mandate as president for Russia..*Looking forward to the same ideas as President Bush, his strategic project was to gain main influence in Ukraine and whole former Soviet Union. But strategies are made not for a presidential mandate; strategic interests are for decades and hundred of years (Eastern Europe is a perfect example for second dimension, if we analyze Romanian – Russian relations or Poland – Russian relations).*

Finally, democrats understood this idea and the missile shield project started again. In fact, is not so simple for him to accept that in the last 4 years the deficits became the highest of all America's history and the military spending are at the same level like in a "normal hegemonic country". *But there is something important to note: if an American president act only for 8 years, in Europe a good politician can be important for more years, because the constitutional system in Europe create a separation between two position: president or king and prime-minister. That's why is possible in England of Germany to have a prime-minister for more then 10 years and his influence in national politics is higher. In Eastern Europe, Asia and Eurasia situation is quit the same, with one important difference: legal standards are respected totally, but the legal democratic philosophy not totally. For our text, we must underline that Mr. Vladimir Putin represents the main voice of Russia since 1999 until today ... and it will be again president until March 2012. In this hypothesis, we must believe that Russian strategy (country of chess masters) is implemented by a person who rules his country (more or less) for 18 years ... or 24 it means ... 6 mandates for US Presidents and minimum 3 different persons at White House!*

For Mr. Putin the historical dimension is stronger – Russian style of education underline this aspect of political personality – and, for sure, he is conscious about this. In the same time, when he declared in Munich (2007) that the collapse of Soviet Union was a catastrophe we must understand that him – personally – and his country will not accept any single step forward (and Tskhinvali military operations proved). Looking back to imperial mentality: Moscow is not used in last 300 years to retire for more than 3 – 5 years (and these retire must be only in war times). There are more than 20 years since Moscow lost a good part of its direct strategic influence: more than 1000 km! If future will bring new social movements inside former Soviet Union (with two exceptions: Moldova and Baltic states) we must be sure that Russia will defend again its national interest (as is understood in Moscow).

CONCLUSIONS

A new presidency for Russia is just a small concept of this very important time dimension. We cannot see always the main ideas for a real analysis – situations are changed fast today and the speed of internet helps us to be informed and ready for new provocations in "real-time".

But there is something more important: today, when everything is so fast, to have on a strong country a chief of state able to influence the politics for 24 years means:

- stability
- coherence
- the possibility to develop real effective strategies
- the possibility to help a new generation of politicians to grow, according with effective strategy.

Against this there is no answer today in Europe and United States. For the good of our times, it must be one day something able to response to these chess-machines of Moscow – otherwise, the future can be in a good part of Eurasia just a “Mr. Vladimir Putin fingerprint”.

References

- [1]Balmaceda, M.M., 2008, *Energy dependency, politics and corruption in the former Soviet Union : Russia’s power, oligarchs’ profits and Ukraine’s missing energy policy, 1995–2006*. Routledge. p. 104
- [2]Sakwa, R., 2008, *Russian politics and society*, Routledge, 4th edition. p. 228
- [3]*Ibidem*.
- [4]Chari, C., 2010, *Superpower rivalry and conflict: the long shadow of the Cold War on the twenty-first century*, Routledge, p. 88
- [5]Sakwa, R., 2008, *Russian politics and society*, Routledge, 4th edition. p. 319
- [6]Thorson, C. L., 2012, *Politics, Judicial Review, and the Russian Constitutional Court*, Palgrave Macmillan. p. 49

KOSOVO – TO THE JUNCTION OF INTERESTS OF THE GREAT POWER IN THE WORLD

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Abstract

On March 24 1999, NATO launched an air campaign against Yugoslavia, which lasted more than 10 weeks, in response to widespread violations of human rights by the state against the Albanian minority in Kosovo. Air strikes were carried out without the authorization of the Security Council and have been considered illegal by the UN Charter and the provisions of general international law.

On 17 February 2008 Kosovo declared that it is a democratic republic, secular and multiethnic, guided by the principles of non-discrimination and equal protection under the law. In 2011 there were already 81 states that have recognized Kosovo.

Paper aims to examine the application of the concept of humanitarian intervention year Kosovo, but also the context in which this province declared independence. Is Kosovo a closed case ? Is Kosovo a result of state political interests?

Keywords: Kosovo, political interest, independent state, jus cogens

I. SETTING

On March 24th, 1999, NATO launched an air campaign against Yugoslavia, which lasted more than 10 weeks, as a replay to widespread violations of human rights by the state against the Albanian minority in Kosovo. The air strikes were carried out without the authorization of the Security Council and have been considered illegal by the UN Charter and the provisions of general international law. Though, NATO member states, also some other persons from academic environment evoked many justifications to sustain the legacy of the air strikes against Yugoslavia. These are the following concerns [1]:

a) Yugoslavia disobeyed and systematically violated the resolutions of the Security Council, 1160 (1998), 1198 (1998), 1203 (1998), which demanded the immediate closure of the atrocities, the acceptance of peace observers, and a substantial autonomy of Kosovo.

b) The humanitarian catastrophe from Kosovo needed an immediate armed response, because of the failure of diplomacy and continuance of the atrocities. In fact, this reasoning bases on the right of intervention for humanitarian purposes. The legal setting of this type of intervention was described pertaining to: 1) The practicability of prohibition of using force in the context of the UN principles and objects; 2) The textual prohibition of force by the article 2 (4); 3) The character of

jus cogens of the rules of law violated by Yugoslavia, which have effects as *erga omnes*; 4) The necessity in the context of the guideline regarding the state responsibility; 5) The response measures against an international and illegal act.

c) The Security Council did not blame NATO, or members of this alliance for unauthorized use of force, legitimating, thus, the actions of this organization.

The possibility of evoking the article 51 from the UN Charter was also presented as a legal basis for NATO intervention in Kosovo. Thus, they argued that the crisis effects from this province (representing the massive flow of refugees, for example) would involve real negative consequences over the economical and political stability of NATO member states. According to its supporters, an argument for this solution would be the Security Council resolutions 1199 and 1203, which declare the situation in Kosovo as a threat to the peace and security in the region[2]. Though, such an argument cannot be considered as correct, because the article 51 from the UN Charter regards an armed strike on a state, and the flow of refugees does not constitute such a strike. In addition, according to article 51 there are not permitted either preventive assaults, even if an armed conflict would be proved to expand to the neighboring countries, as a consequence of non-intervention[3].

II. THE ARGUMENTATION OF HUMANITARIAN INTERVENTION IN KOSOVO

2.1. The domain of prohibition of using force by art. 2 (4) from UN Charter

Certain annotators, especially those who sustain the existence of more exceptions regarding the use of force, consider that the rule established by art. 2 (4) prohibits the use of force against the territorial integrity or state political independence. Therefore, it suggested the fact that any usage of force which does not intend to affect the territorial integrity or political independence of a state, but it services just to a limited objective, it is legal according to the UN Charter. The use of force in Kosovo cannot be, though, considered legal, even if the prohibition of using force included in the UN Charter can be understood as regarding those functional limitations just mentioned. The attack against Yugoslavia started because its refusal to accept the project of the peace agreement from Rambouillet regarding the political situation in Kosovo. This project from Rambouillet contained more conditions which affected the political independence and territorial integrity of Yugoslavia. The project intended to gradually exclude the authority of Yugoslavia or Kosovo. Beside the fact that the level of autonomy and conditions regarding the international surveillance were incompatible to the concept of territorial sovereignty, the project from Rambouillet considered the possibility of secession of Kosovo from Yugoslavia through a referendum. These agreements demanded from Yugoslavia the consensus for many NATO soldiers to stand on its territory, within the meaning of political independence.

2.2. The use of force to defend the *jus cogens* guidelines and *erga omnes* obligations

A matter that was strongly sustained was that the usage of force by NATO against regarding Kosovo can be justified by the necessity to assure the fulfillment of the obligation in the human right domain by this state, obligations which are

judicially erga omnes and which are protected by jus cogens rules[4]. These two characteristics (jus cogens and erga omnes) of the guidelines regarding the human rights under international law are beyond any doubt. Such a legal status of these rules makes human rights to exceed to the internal venue of the states, being the interest object of the international community as a whole. The International Court of Justice emphasized, in this regard, on the occasion of “Barcelona case”, the fact that “every state has an interest in their protection”[5]. This consequence of jus cogens character of human rights is, though, different from the situation when the violation of the imperative rules of the international law generates the right to use force for those who violate them. In addition, there is not any evidence that, either in treaty law or international common law such a suspicion is valid. Also, to the concept and value level, such a suspicion might be hardly considered tolerable. The use of force in such way represents a direct violation of another legal prohibition, which also possesses a jus cogens and erga omnes status (the prohibition of using force)[6].

2.3. Using force and the necessity situation

Another evaluation of humanitarian intervention can be justified standing on the necessity situation. Art. 33 from the Project of articles regarding state responsibilities of the International Law Commission (*The International Law Commission’s draft articles on state responsibility*)[7] confirms the fact that the necessity situation can be evoked within the situation fulfillment by a state of an act that contravene to an international obligation if:

a) Illegal act represents the only solution to defend a state essential interest against a serious and impending danger, and

b) Act does not seriously detain an essential state interest to which is the obligation.

The necessity of an urgent and effective response to a humanitarian catastrophe could be considered as explanatory for violating a prohibition regarding the use of force. Such an onset is considered as intolerable in this context of necessity situation which the NATO military action evoked. A contrary opinion accounts the admissibility of NATO intervention in Kosovo standing on the necessity situation: the concerning organization could not obtain the consensus of permanent members of the Security Council, which determined the intervention[8]. It should be considered the fact that the prohibition of using force is an imperative rule standing on international law, which possesses supreme judicial force in the framework of judicial rules of international law. The 2nd (a) paragraph, from the project of art.33, clearly emphasizes the fact that the necessity situation does not exclude illegitimacy of a state act that points an imperative guideline[9].

2.4. Using force as an opposing instrument

The NATO action in Kosovo was also justified as a counter-step to respond to international illegal acts [10]. This kind of onset, especially advanced by A. Cassese[11], has two main components: 1) The massive violation of human rights allow to the international community to respond, 2) The precedent in Kosovo has its important part in modifying the international law, to allow to the other state to adopt a constraining measure against a general violation of human rights. According to the international common law, as it was included in the International Law

Commission's project regarding states responsibilities, it is admissible not to accomplish one or many of the international obligations toward a state that committed an illicit act to respond to the last one (art. 47). Thus, the situation in Kosovo could represent an application of the response-measures. In addition, it is obvious the fact that the state obligations to respect the human rights has an *erga omnes* character, and, consequently, this character might evoked against the one who committed an illicit act by any state or group of states, whether they suffered or not any consequence due to this act. It is still in discussion if the relevant rules of the international law allow adoption of any response measures to such a violation. Thus, beyond the plenary character of prohibition to use force in the art.2 (4) from UN Charter, the international common law evolved in contradiction to the assumption of admissibility of the constraining counter. According to the UN General Assembly Declaration regarding the friendly relationships between states (resolution 2625), "States are committed to abstain from repression acts which implies armed force". The resolution of the Institute for International Law, regarding the counter's part when is a massive and systematical violation of the human right, especially confirms the fact that in such situations it is not permitted to use armed force (art. 2 and 63) [12]. International law includes a set of limitations that a state should accomplish for the measures it adopt to be considered legitimate counters. These measures are mentioned in the project of art. 50, which prohibits the following counters:

- a) The menacing or the use of force prohibited in the UN Charter;
- b) The constraining extreme economical and political way, which generates the compromise of territorial integrity or the state political independence that committed an illicit act according to international law ;
- c) Any action which violates the diplomatic or consular agents' immunity, of the archive or documents;
- d) Any derogatory action from the fundamental human rights;
- e) Any other action that contradicts the imperative guideline of the international law[13].

3. THE NOT BLAMING THE NATO ACTIONS BY THE UN SECURITY COUNCIL AND THE DOCTRINE OF THE INTERNATIONAL LAW [14]

Regarding legality of NATO actions in Kosovo, it was argued that the usage of force by this organization was not blamed by the Security Council, *per a contrario*, it was tacitly approved, and implicitly authorized[15]. It was suggested the fact that by adopting the Resolution 1244 (1999) regarding the situation in Kosovo, the Council [16] legitimated the usage of force by NATO (although there aren't stipulations of this resolution that can be interpreted as having this effect). From a conceptual point of view, the proposal to illegally use force could be legitimated not to blame it by the Security Council is similar to the proposal to prohibit the usage of force, as a right rule and principle, it isn't capable of generating judicial effects when it is independently violated and without a precise declaration of the Security Council to blame such a violation. But, in fact, the prohibition of using force, as any other rule both in the law of treaties and in the normal law, it generates corresponding judicial effects when violating it, because it isn't a judicial guideline. Supposing that, to generate judicial effects, violating a rule

depends on the subsequent blaming from an international agent, signifies that the respective rule would be divested of its legal character. It was suggested that NATO action was monitored by the Security Council, which could decide to stop it, so this action would have been under UN control. Nevertheless, it has been mentioned that *NATO action clearly violated art.2 (4) and 53 from UN Charter, also the common rules, which prohibit the use of force*. Art.53 from Charter it is very definite regarding the fact that no constraining action could be performed without Security Council authorization. The British Premier, Tony Blair set forth the point of a new doctrine- **The International Community Doctrine**, with the occasion of an important speech in front of the “Economic Club” members, in Chicago, Thursday, 22nd of April, 1999, on the eve of opening the NATO summit, from Washington. With this occasion, the British Premier expanded the content of an article published a week ago in the Newsweek magazine, which proclaimed the necessity of a “new internationalism”, meant to justify a military intervention to avoid crises situations, like actions of ethnic purification. The “new internationalism” especially refers to a global cooperation for economic progress, working after new rules, to be established and which are to reform all international institutions. The main idea of the British leader’s allocution was to create a new setting to justify an international intervention within internal problems of some “dictatorships” as Serbia and Iraq. “Blair’s doctrine” was already catalogued as an echo of “Breznev’s doctrine”, utilized by Soviet Union, in 1968 to justify the use of force against Czechoslovakia; the troops invasion of the Treaty of Warsaw to end the Prague Spring was justified by Moscow definition that the national *sovereignty isn’t above “the interests of the socialist world”*. Tony Blair argued that national sovereignty is less important than the values of civilization, human rights and to prevent the genocide. Tony Blair declared for a redefining of the world financial system, but for a reappraisal of the UN part and of the process of making decisions by the world organization, especially regarding the Security Council, also for changes even in NATO working procedure[17].

IV. TO AN INDEPENDENT STATE

On March 17th, 2004, in Kosovo, people were agitated. Two Albanian children died by drowning, on Tuesday, 16th of March, and determined the Albanian to believe that they were chased by the Serbian and that opened a series of atrocities. There were again violent confrontations between Serbian and Albanian, which ended with not less than 22 dead and over 500 injured. Thousands of people left their houses looking for protection to the international intervention forces. Many orthodox churches and monasteries were set on fire during the day of Wednesday and Thursday, respectively 17th and 18th of March, 2004. Also, the Serbian places in the region, and UN mission vehicles from Pristina were set on fire. The balance of interethnic violence as the police controls the Serbian localities which were attacked by the Albanian[18]. The official reaction to the events in Kosovo soon appeared. The Minister for human rights of the Republic of Serbia and Montenegro declared: *“These events have clearly shown that the Albanian wish an ethnic independent and pure Kosovo.”* Then he appreciated that, mostly, is the responsibility of the international community, which execute in the province. In the other side, the

Serbian minister, Vojislav Kostunica, convoked an emergency reunion in Belgrade and assured that Serbia would consider stopping the violence against the Serbian from Kosovo.[19] EU couldn't stay passive to what happened in Kosovo. Thus, the EU High Representative for Foreign Policy, Javier Solana, declared on March 23rd, 2004, that the Serbian minority from this province wasn't protected enough. He also stated: "*We wish the Kosovo region to be a multiethnic one, where all minorities could live. We have to arrange in order to ameliorate the situation*". The European Official stated that EU opposes the idea of the province being organized in districts, as this action would represent a first step to division.[20]

After the North Atlantic Alliance ended the conflicts between the Serbian security forces and Kosovo paramilitary troops, launching attacks against Serbia, the Security Council emitted the resolution 1244. This resolution stipulated the creation of an international transition administration in Kosovo, with no referral to the future status of the province. The above mentioned UN resolution stated that "*It needs to be guaranteed the sovereignty and integrity of the Federal Republic of Yugoslavia - today named Serbia*". But "the guarantee" had a limited term of validity, until the moment would be find a conclusive solution regarding Kosovo. The next years there were international negotiations, but with no concrete results[21]. Kosovo declared independence on February 17th, 2008, without waiting any international approval. The unilateral declaration of independence of the former Serbian province, Kosovo, generated first international effects only few minutes after the events. Russia reported the initiative of Kosovo to the UN and NATO, demanding to invalidate the declaration of independence, but USA agreed the Kosovo Government's commitment to implement the UN provisions to protect minority ethnic communities, while in Europe opinions were divided.

Romania is one of the countries that don't recognize the independence of Kosovo. The Romanian Parliament adopted an anti-independence position with 239 votes for and 7 abstentions. President Traian Basescu, at the meeting with Nicolas Sarkozy, at the beginning of the month, pointed out that he wasn't for the Kosovo action, but he sustained the intention of Serbia to enter the EU. To recognize or not the independence of Kosovo 'wasn't to be the result of an EU common decision, but of each member state. Till now it is the expressed position of European Commission, given that there isn't a consensus. At least 6 EU states announced, many times, that they didn't agree the unilateral declaration of independence of Kosovo, at least not for the moment. It is about Bulgaria, Cyprus, Greece, Romania, Slovakia and Spain. All these state are host for ethnic minorities and are afraid that the Kosovo secession from Serbia would create a precedent. Russia with Serbia firmly oppose to the independence. More, Moscow warned it would change the policy to pro-Russian separatist territories from Southern Osetia and Abkhazia, which could separate by Georgia. Soon, after the declaration of independence of Kosovo, Serbia reclaimed this fact to the International Court of Justice from Hague. The main argument of Serbia was that the resolution 1244/1999 of the UN Security Council, that recognizes the territorial integrity of Serbia and the status modification Kosovo just by negotiation, is still effectual and it does not permit the unilateral independence. But it prevailed the U.S. and Western countries' reasoning, according to which international law doesn't prohibit the declaration of independence and its

recognition by other countries is strictly a political act. Romania pleaded for Serbia, by State Secretary of Foreign Ministry, Bogdan Aurescu. The decision can intensify the separatist movements from Transnistria, Northern Cyprus, Nagorno Karabakh or Southern Osetia. Kosovo are free to adhere to UN, for which it needs the recognition of 100 member states. Till now, only 75 states recognized the Balkan state. The 14 judges of the Court have to answer to one limited question: *“Is the unilateral declaration of independence of the Provisional Institutions of Self-Government in Kosovo in accord with the international law?”* It put apart any other serious questions, with political connotations, as well the state legality of Kosovo, the apparition of this state after NATO bombardments against Serbia and the recognition of Kosovo by 69 states until the conference.[22] International Court of Justice specified, in 2010, that “the declaration of independence of Kosovo doesn’t contravene the international law”. ICJ opinion is advisory and respects the state political interests which already recognized Kosovo (USA and EU states, except Romania, Greece, Spain, Cyprus, and Slovakia). USA agreed Court’s decision, and a spokesman of the Department of State declared that “it’s time for Europe to unify for a common future”, an allusion to Bucharest. Before the Court’ decision, the Kosovo Premier, Hashin Thaci went to US, where he met the American Vice-president, Joe Biden. Also, the Serbian president, Boris Tadic, declared that the favorable opinion of the independence would plant a serious precedent. “It will start a process which creates more new countries and destabilizes various world regions”.[23] In 2011, Serbia is refused as a candidate to adhere to EU. It is demanded to recognize the independence of Kosovo in order to be accepted as a candidate.

CONCLUSIONS

Starting with 1999 until now, Kosovo spent about 4 billion \$ as aid, and it isn’t a state that can be on its feet. Its economy based on the export of metals – coal, lead, zinc, lignite, bauxite, nickel – cannot generate enough income to the state budget. The exports are sufficient to pay only 10% of the imports. The labor market, undeveloped, doesn’t succeed to absorb 30.000 young people, yearly, so that the unemployment reaches to 40%. In such conditions, many young people from Kosovo go to work abroad, also being victims to the trafficking networks[24].

The interests of the state with financial power are huge in this Balkan area. And this is not only because of the natural resources of the province, but for the fact that this region needs to be controlled. It is close to the Russian Federation, but also to the Middle East. Thus, one of the hidden purposes of NATO intervention in the conflict from Kosovo in 1999 was the ambition of detaining a strategic position to control the oil from the Caspian Sea area. Installing the military base Bondsteel near Kosovo allows to US to have the control over the energy corridor no. 8, which represent an important energy axis East-West, regarding the oil and natural gas transportation from the Central Asia through Balkan to Mediterranean Sea, avoiding to involve Russia and Iran. Thus, the independent journalist Paul Hockenos noted: *“it would be naivety from us to swallow the donut with the altruist defense of human rights in Kosovo. Freedom and democracy have to be developed by the people there,*

not by the military forces of occupation and by the administrators who don't know what is the best for a another country than their own, since they play how they are dictated by the IMF and World Bank economists.”[25] The Kosovo case demonstrates one more time the peace fragility. We cannot wonder which will be the future of the world security. Also, we wonder whether the border immunity and state sovereignty it is still respected and what could mean the new world order.

References

- [1] See: Parliamentary Assembly NATO, Arhur Paecht (raportor general) *Humanitarian Intervention between Politics and International Law*, Draft General Report, 20 martie 1999, pe site-ul: <http://www.naa.be>.
- [2] See: Frederic L. Kirgis, *The Kosovo Situation and NATO Military Action*, în “American Society of International Law Insight” (martie 1999), la: <http://asil.org/insigh30.htm>
- [3] Tomescu, Mădălina – *Jus cogens –Between the Theory and the Practice of International Relations* – Cartea Universitară Publishing House, Bucharest, 2005, p. 231
- [4] See: Andrew Brooke, *NATO in Kosovo: Was the Humanitarian Intervention Legal under International Law?*, p. 3..
- [5] *Barcelona Traction, Light and Power Company, Limited* (New Application: 1962) (Belgium v. Spain) (1962-1970), pe site-ul: <http://www.icj-cij.org>.
- [6] Tomescu, M. – op.cit.- p. 237
- [7] Pentru detalii a se vedea site-ul: <http://www.law.cam.ac.uk/rcil/ILCSR/Statresp.htm>
- [8] See: Andrew Brooke, *NATO in Kosovo: Was the Humanitarian Intervention Legal under International Law?*.
- [9] The situation existing in Kosovo was compared sometimes with genocide crime, generally sentenced by international community (A. Brooke, *NATO in Kosovo: Was the Humanitarian Intervention Legal under International Law?*, op. cit., p. 6 si urm.) In this sense, they cite this crime definition in the case Jean–Paul Akayesu, la: <http://www.ictt.org>
- [10] Raju G. C. Thomas, *Kosovo and Yugoslavia: Law in Crisis – NATO and International Law*, pe site-ul: <http://jurist.law.pitt.edu/thomas.htm>
- [11] A. Cassese, *Ex iniuria ius oritur: Are We Moving towards International Legitimation of Forcible Humanitarian Countermeasures in the World Community?*, op. cit.
- [12] Rezoluția IDI (IIL) “*The Protection of Human Rights and the Principle of Non-Intervention in Internal Affairs of States*”, adoptată la Santiago de Compostela în 1989.
- [13] Tomescu, M.-op.cit.- p. 240
- [14] The doctrine of international community was launched by british prime-minister, Tony Blair. See file:A: Tony %20Blair.htm
- [15] Natalino Ronzitti, *Lessons of International Law from NATO’s Armed Intervention against the Federal Republic of Yugoslavia*, op. cit., p. 48 si urm.

- [16] See also Dragne, Luminița – *The Role of the U.N. Security Council for Maintaining International Peace and Security*– Prouniversitaria Publishing House, Bucharest, 2008, p. 107
- [17] Tomescu, M.- op.cit.- p. 240-241
- [18] See the Newspaper “GARDIANUL” Friday, 19th march, 2004
- [19] Idem, p. 6
- [20] See the Newspaper “GARDIANUL”, 25th march, 2004
- [21] http://www.euractiv.ro/uniunea-europeana/articles%7CdisplayArticle/articleID_20680/Curtea-de-la-Haga-Proclamarea-independentei-Kosovo-nu-violeaza-dreptul-international.html
- [22] Răzvan Ciubotaru – *International Court of Justice validates Kosovo State existence* on the site: <http://www.cotidianul.ro/curtea-internationala-de-justitie-valideaza-existenta-kosovo-120424/>
- [23] Ibidem
- [24] Ibidem
- [25] Vasilescu, Mihai – *Important Political and Economical Interests behind Kosovo War* on the site <http://www.yogaesoteric.net/content.aspx?item=5276&lang=RO>

Bibliography

Brooke, Andrew, *NATO in Kosovo: Was the Humanitarian Intervention Legal under International Law?*,

CIUBOTARU, Răzvan, *International Court of Justice validates Kosovo State existence* on the site <http://www.cotidianul.ro/curtea-internationala-de-justitie-valideaza-existenta-kosovo-120424/>

DRAGNE, Luminița, *The Role of the U.N. Security Council for Maintaining International Peace and Security*– Prouniversitaria Publishing House, Bucharest, 2008

KIRGIS, Frederic L., *The Kosovo Situation and NATO Military Action*, în “American Society of International Law Insight” (martie 1999), la: <http://asil.org/insigh30.htm>.

RAJU G. C. Thomas, *Kosovo and Yugoslavia: Law in Crisis – NATO and International Law*, pe site-ul: <http://jurist.law.pitt.edu/thomas.htm>

TOMESCU, Mădălina, *Jus cogens –Between the Theory and the Practice of International Relations* – Cartea Universitară Publishing House, Bucharest, 2005

VASILESCU, Mihai, *Important Political and Economical Interests behind Kosovo War* on the site <http://www.yogaesoteric.net/content.aspx?item=5276&lang=RO>

Parliamentary Assembly NATO, Arhur Paecht (raportor general) *Humanitarian Intervention between Politics and International Law*, Draft General Report, 20 martie 1999, pe site-ul: <http://www.naa.be>.

Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (Belgium v. Spain) (1962-1970), pe site-ul: <http://www.icj-cij.org>.

Rezoluție IDI (IIL) “*The Protection of Human Rights and the Principle of Non-Intervention in Internal Affairs of States*”, adoptată la Santiago de Compostela în 1989.

The Newspaper “GARDIANUL” Friday, 19th march, 2004, 25th march, 2004

[http://www.euractiv.ro/uniunea-europeana/articles%7CdisplayArticle/
articleID_20680/Curtea-de-la-Haga-Proclamarea-independentei-Kosovo-nu-violeaza-
dreptul-international.html](http://www.euractiv.ro/uniunea-europeana/articles%7CdisplayArticle/articleID_20680/Curtea-de-la-Haga-Proclamarea-independentei-Kosovo-nu-violeaza-dreptul-international.html)

<http://www.law.cam.ac.uk/rcil/ILCSR/Statresp.htm>

CRISIS MANAGEMENT IN SOUTH-EASTERN EUROPE: KOSOVO, TRANSNISTRIA AND ETHNIC ISSUES

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Abstract

Perception of real and appropriate response to crisis communication and interethnic conflicts post Cold War approach of this research is, to study in detail the main coordinates between which lies the crisis of communication in the conflict in Kosovo.

As you know, tomorrow the world would be a projection of the present. Certainly, in coming years, trends show the present, they can grow up, turning into direct threats or the contribution of all international actors. It will be removed from the great stage of the world. All depends on how we understand and we can prepare this for the future.

Key-words: *communication anagement, crises, Russia, war*

I. KOSOVO EVENTS

Almost every area of human activity are concern about disruptions that may occur within it and, therefore, investigates the causes, mode of occurrence and their manifestations consequences. Crises are such failures, they have implications for life and human activity, with consequences almost always unintended consequences. Perhaps, therefore, most scientific fields have developed their own concept of crisis (in terms of historical, sociological, political, etc.)

At this point we find ourselves we find ourselves in a world constantly changing, where situations of conflict were inherited as a legacy, they can add new conflicts belonging reconfiguration new world order. Motivation power relations do not consist of theories that are founded on the realization of geo-strategic advantages, but as providing resources and access routes to them. Resource conflict is a war waged to obtain or maintain control over natural resources such as oil, diamonds, minerals etc. these confrontations can be internal or external. U.S intervention in the Persian Gulf was often perceived as a desire to maintain access to Gulf oil^[1].

Natural resources have an important role in the outbreak of conflicts, but they are not the only factor, as their generic name "conflict resources" can be categorized at least questionable. The idea of having to gain control over resources was promoted including in Kosovo, which is the second reservoir, in terms of size and quality of mineral on Earth that serve the astronomical, in addition to adding this and the extraction of lead, zinc, silver and gold.

For some meanings that the main attribute of international politics is anarchy^[2]. This is because anarchy is not a command center international governing the actions of each state. Although the language is universal, but language that is required to make communication. Because it uses a language which is accepted by all parties present the communication process, but this is not the official language of all stakeholders, communication is not consistent. For this we add interference taking on the communication channel and in addition to the classic scheme of communication, taking different forms: manipulation, disinformation, etc.. Ability to communicate in Kosovo was a narrower because confrontation took the form of guerrilla fighting. Note that in almost all cases of guerrilla actions have achieved the goals that they have proposed or at least part of it. Nobody did, until now, total control of guerrilla phenomenon. Actions of the Kosovo Liberation Army have created a very complex situation, which required the intervention of UN and then NATO, Yugoslavia out of the province under control and moving them under international control, as the action Liberation Army FRI Macedonia led NATO intervention and reaching an agreement that is intended to be favorable for Albanians in FYR Macedonia^[3].

Events in Kosovo have private throughout Europe, where companies are found in the dynamic regionalization. Chestiunea powerful minority, the nation and Europe produced a complex constellation of multilayered identities. From this we conclude that the fate of European integration (and thus security) is determined by the fate of this constellation, different identities evolve in a pattern or some complementarity will be seen by others as so threatening that they will create panic reactions: implementation societal security policy and the use of exceptional measures which will block European integration^[4].

One aspect that probably weighed enough before military intervention was to cross-border crime which had origin in Kosovo as KLA troops financial support necessary to have developed extensive networks of drug trafficking, technology, etc. That spread throughout Europe and reached sometimes including North America. At that time 14% of arrests made by Interpol for drug trafficking in Europe were the subjects Albanians.

In the events and has appeared a new element to the theaters of operations for maintaining peace represented by private security companies and private military companies. ITT Corporation company based in White Plains, New York has conducted missions in Kosovo especially security Plateaus fill U.S. bases^[5].

Prior to opening international conflict have tried diplomatic means to settle the situation in early 1998 by the West have not always had the desired effect. This is the first part of Ibrahim Rugova ignores dialogue initiative of the Western and required repeated demands full independence of Kosovo as U.S. envoy in May Hoolbroke mediate a dialogue between Rugova and Milosevic for a diplomatic solution in Kosovo.

In autumn 1998 there were two resolutions UN Security Council (no. 1199/23 September 1998, respectively, no. 1203/25 October 1998) that were aimed at the final result of withdrawal from Kosovo of Yugoslav forces involved in the repression of civil ceasefire by both sides, start dialogue policy and introduce a

verification mission under the OSCE to ensure compliance in the field and received NATO air surveillance mission.

On landing diplomatic Contact Group held on 29 January two further rounds of negotiations set for February 6 to 23 at Rambouillet and Paris March 15 to 18 where Albanians sign peace agreement, but the Serbian side refused. The Kosovo police have intensified against ethnic Albanians, which led to breach agreements in October. Onset of Operation Allied Force in March 23, 1999 under the coordination of NATO aimed humanitarian component that was originally geostrategic reference to human rights and saving the genocide ethnic cleansing of Albanian nationality in Kosovo^[6]. NATO air Attacks covers a period of 78 days completed by the consent of Milosevic to withdraw troops from Kosovo. On June 10 it issued a new resolution to UN Security Council (number 1244) which was adopted by 14 votes with one abstention, that of China, which establish civil and military presence in Kosovo, an immediate and verifiable violence and repression in Kosovo, deployment of international civilian and security presence with substantial NATO participation in this unique command and control and the establishment of an interim administration, was introduced as the UN Interim Administration in Kosovo (UNMIK) and Kosovo Force (KFOR) led by NATO.

UNMIK, which was the first in order and structure, received essential administrative functions and services (health, education, finance, post, justice).The reconstruction were Dalmatian four pillars:

- police and justice pillar under the UN
- Pillar II Civil Administration in coordinating UN
- Democratization and Institution Building Pillar III controlled OSCE
- Pillar IV Reconstruction and Economic Development led by the EU

Analyzing the OSCE involvement can be seen that the largest presence in the history of the organization which included: democratization and governance (civil society, political parties, NGOs), elections (October 2004), monitoring human rights, independent media, rule of law, local police training, institutional strengthening.

At the European Union has operated a change in the European Security and Defence Policy, a change that has occurred due to a weak return demonstration recorded CFSP developments in Europe, especially those in former Yugoslavia.

In building the ESDP as part of the CFSP, was given an important role "Mission Petersburg" in whose composition shall peacekeeping, crisis management, peacekeeping and humanitarian operations^[7]. If we analyze the performance of the European Union in the early 90s until now we could see an increased involvement for the past 12 years, its presence is almost nonexistent in the theaters of operations until after the NATO intervention in Kosovo, and with few exceptions has focused attention for the Western Balkans. Union involvement was relatively large (Macedonia, Bosnia and Herzegovina) and European Security and Defence Policy do not tends to be a counterweight or a substitute for NATO but its collaboration tool^[8].

Kosovo's status is disputed, desired and proclaimed independence of this province is not recognized by all members of the international community because it

is an independence which is based on ethnic foundations. Among other implications can include: lack of progress status stops the Euro-Atlantic integration of Serbia^[9] (Kosovo constitutional doubt, Montenegro), affect economic development in the region (non-participation of Kosovo in the Stabilisation and Association) - rising unemployment encourages economic crime, the influence of Serbia on Bosnia-Herzegovina, Montenegro, Macedonia-Serbian population states can not prosper long when Serbia - insecurity, economic decline, the influence of Macedonian Albanians - close contacts with Kosovo Albanians, an essential part of the agreement of Kosovo-Kosovo border inviolability /Macedonia, Kosovo / Albania. If we switch attention to Transnistria, we can see a significant change with the accession of Romania's EU accession, the NE border of Romania became EU border and thus became a direct neighbor of the Republic of Moldova with the EU, Community makers began to pay more attention to issues of political, economic, social, facing the Republic of Moldova, amounting at present, potential sources of instability for both Moldovan state, and the EU. Thus, the Transnistrian issue has gained importance in the relations between Moldova and the EU because of the many security risks posed by the presence of this unresolved conflict.

In terms of resources Transnistria is a mixed economy based on heavy industry (steel), production of electricity and manufactured goods (textiles).GDP is estimated at 420 million dollars, which means that the republic is one of the poorest parts of Europe .

In 1989, the population total, the latest census Soviet 546,400 inhabitants.Within 10 years, it climbed to 633,600 inhabitants (2001), following the policy of encouraging the Russians to settle here. In terms of ethnic demographics is about evenly divided: Moldova - 32%, Russians - 30% and 29% Ukrainian.

On September 2, 1990, Congress of People's Deputies in Transnistria proclaimed " Dniester Moldavian Soviet Socialist Republic", the separatist movement leaders arguing the need of independence for Transnistria Transnistria the right to self-determination and political discriminatory power in Chisinau to the Russian minority.

Although in December 22, 1990, Mikhail Gorbachev signed a decree declaring invalid decisions of the Congress of September 2, 1990, in the future, Transnistrian separatist paramilitary action to liquidate political opponents of the new regime and replacing the state structures of Republic of Moldova with the separatist regime.

With independence arises geostrategic and geopolitical conflict, political and ethnic affecting both state actors (Moldova, Russia, Ukraine, Romania) and non-state (OSCE, UN)^[10]. Transnistria presence creates a danger to regional stability and security, affecting Euro-Atlantic security system in the wider Black Sea area, thus a true international destabilization factor has implications in the cross-border crime is known title of "center of organized crime" and the geo-strategic plan can be considered "forward base of the Russian Federation", supporting the 14th Army which had discharged since 1999.

II. TRANSNISTRIA EVENTS

In Transnistria, the efforts of Russia, was installed an archaic model, constituting a “de facto” criminal enclave, equipped with the tools specific illegitimate. This area is an ideal place to set up "off-shore the black" circuit illegal goods, including weapons and drugs. Relevant in this sense the opinion of Sergei Shirokov, *"Historical memory is somehow an impact on how the region is about to develop, **Transnistria was always under the ruler of Russia** and history has such a big impact on the situation today."* Russian interests in respect of such territory are the most: Transnistria - tool in achieving the goal of controlling the entire Republic of Moldova and maintain strategic position in southeastern Europe; preservation interests of the Russian population there; Maintaining cooperative relations with business Transnistria, some of which are unique to the military, Maintaining large amounts of weapons and ammunition old and outdated, difficult to transport to another location in the Russian Federation, legislation favoring the emergence of illicit trade in existing Russian weapons transnistrian territory, conflict regulation in the interest of stability and strengthening its relations with countries where there is a Russian minority; Establish predictable and stable relations with Romania and not to admit Romanian influence on Moldova^[11].

Russian interests are in contradiction with the security policy of the Black Sea region including threats Russian intervention in the internal affairs of States of GUAM and support regions and movements separatist, an eventual "transfer" of the conflict scenario for Ukraine. First of all, this involves the Autonomous Republic of Crimea, where it is possible to increase inciting ethnic contradictions separation of Ukraine and Crimea passing under Russian jurisdiction. Similar actions have already taken place in Transnistria, South Ossetia and Abkhazia, transnational organized crime, mainly at the border between Ukraine and Moldova. This was for a long time the main topic of negotiations at bilateral and multilateral attended and the United States and European Union. In addition, some objectives EUBAM were developed to address these problems. EUBAM - "EU Border Assistance Mission to Moldova and Ukraine Border" was launched in November 2005 at the joint request of Heads of State of Republic of Moldova and Ukraine in order to help ensure the quality of customs services for citizens and businesses in Moldova, Ukraine and the EU and conflict resolution in Transnistria^[12].

European Union's interests are represented by: The withdrawal of Russian troops near the periphery of the EU, to achieve stability in the region, stabilization of a region that might affect future enlarged Union; recovery efforts of internationalization and even Europeanization of conflict by Chisinau. Ukraine aims to gain economically, by conducting business with firms in Transnistria, because of existing facilities in the territory not controlled by the authorities in Chisinau and the Moldovan conflict distracts from the issues of borders, territorial and population it is the country. In the south, Turkey and Bulgaria hopes to turn that through Transnistrian state, autonomous and independent, Gagauz and Bulgarian ethnic population will gain autonomy and other rights, either within the Moldovan state, whether autonomous regions.

European Union's interests are represented by: The withdrawal of Russian troops near the periphery of the EU, to achieve stability in the region, stabilization of a region that might affect future **Enlarged Union**; recovery efforts of internationalization and even Europeanization of conflict by Chisinau. The resumption of negotiations in the 5 outlook 2 seems the most viable, thus participating states will be: Republic of Moldova, Transnistria, Russia, Ukraine, OSCE, EU and U.S. mediators and the observer may be placed Ireland holds the OSCE presidency in 2012 . To challenge all the problems that block restoring the integrity and sovereignty of Moldova faction entire national territory. It emphasizes the need to print a positive dynamic regulatory process, to advance to the procedural aspects of substance. Setting international rules, respecting the territorial integrity of Moldova Russian Federation said it would support the *implementation of the regional development strategy by 2025*, with financial aid Triasporului \$ 300 million. European Union (EU) and United Nations Development Programme (UNDP) will allocate 13 million euros in the program "Confidence Building Measures" for conflict resolution. EU - **"The stronger, more influential"** U.S. Agency Stratfor geopolitical analysis considers that Transnistria will remain in the area of influence of Moscow, Russia 's military presence will remain, and reintegration of Tiraspol in Moldova will not be allowed by them.

Russia has assumed the role of guarantor powers, will continue to apply double standards in dealing with Tiraspol and Chisinau, benefiting to the first and second discriminating him. Given that Transnistria will be Republic of Moldova is a self-defined status or having a completely separate development, self-oriented Slavic post-Soviet space (point of view of Yevgeny Shevchuk). In this hypothesis in the immediate vicinity of Krim Authority, part of Ukraine, but controlled by Moscow and used as an instrument of coercion or sometimes standard to adjust the position of Ukraine adopted on several occasions^[13].

Moldova is negotiating with the EU signed an agreement on joining the deep and comprehensive free trade, which will allow Transnistrian companies have the same status as those of the country, the gradual liberalization of trade in goods and services, reduction of customs duties and non-technical barriers, abolition of quantitative restrictions and the harmonization of legislation in the EU country.

Moldova was in exchange for this historical debt (or part thereof) of the interwar period. Transnistria is seen as the element that unites the two countries (Romania and Moldova) and not the element that separates them.

The resolution of conflict has gained a new dimension after the spring of 2005, Peter Poroshenko, foreign policy adviser to Ukrainian President Viktor Yushchenko proposed a new plan aimed at conflict resolution in three stages, each lasting about 6 months.

In the first stage were legally established "the basic principles of Transnistria's status within the Republic of Moldova ". For the end, the Parliament would take up to 25 July 2005 law on basic principles of the status of the Transnistrian region of Moldova and the conditions specified therein, during October-November 2005 should have place in the Soviet elections Transnistrian supreme. These elections must be held under "international control of the EU, OSCE, Council of Europe, U.S., Russia, Ukraine and other democratic states."

In the second stage is expected delimitation of competences between the central power bodies in Transnistria, assuming adoption by the Parliament in Chisinau Law on special legal status of the Transnistrian region of Moldova. Preparation of the text itself that law was to take place with joint efforts, and after adoption law concerning the delimitation of powers, the Supreme Soviet of Transnistria, in turn, should legislation be enacted to achieve that law.

The third phase was to regulate definitively the Transnistrian problem by "providing legal status of Transnistria within Moldova", the assumption that parties, namely the Republic of Moldova and Transnistria, both with new members, guaranteeing that Russia and Ukraine and the OSCE, and U.S. and EU support should develop Treaty between the Republic of Moldova, Russian Federation, Ukraine and OSCE guarantees compliance with Moldova's Law on the special status of the Transnistrian region of Moldova. After eventual ratification by the Parliament in Chisinau that the Treaty would enter into force the Law on special legal status of Transnistria and the Supreme Soviet of Transnistria Constitution could adopt.

Poroshenko plan was rejected by the Parliament of Moldova ability, while welcoming the Kiev involvement in finding solutions. Moldovan MPs found that his plan should be added a number of provisions, particularly democratization and demilitarization of Transnistria - withdrawal of Russian troops and weapons by 2006, involving a peacekeeping force composed of military OSCE supervising the withdrawal of troops and Russian weapons by OSCE observers and stop illegal trafficking by establishing a transparent and legal control over the Transnistrian segment of the Moldovan-Ukrainian border.

Following the military conflict between Russia and Georgia in August 2008, the European Union started to show a greater willingness to engage actively in solving frozen conflicts and to send clearer signals to encourage European integration aspirations of its Eastern neighborhood states. Thus, the European Council in March 2009, EU leaders decided to increase financial aid for countries in the region (some of which aspire to join the EU), also acting leaders inviting countries in the region at a summit in Prague (July May 2009) which was launched Eastern Partnership, whose goal is to create conditions to accelerate political association and economic integration between the European Union and interested partner countries.

Minorities have created different situations more or less conflict in South-east of the current situation these situations were brought to the forefront of community Balkan Vlach and Roma which is found throughout the Europe.

Minority, seen as a concept refers to a status group that designating a group of individuals that interact with each other, similar including the majority group in the context of the group affiliation. Subsidiary will find the respective national minority. In terms of existence, ethnic groups have their own existence, each with a certain energy and time which directly influence behavior of subjects, the manner which they liaise with ethnic loyalty and return to wherever it is.

This ethnic force value lies in support of them, creativity, not the aggressive vigor of the individual transmitted respectively its protection methods^[14].

In the minority integration projects that grab attributes from democratic imperialist, seeking to impregnate a common culture to align with the state that seek

to control mechanisms of cultural reproduction, which could lead to loss of cultural perpetuation of a minority^[15]. Some meanings promotes the idea that Earth is composed of a mixture of minorities with a broad classification (national, religious, cultural, territorial, linguistic, indigenous, nomadic and tribal border).

Analysis of the security doctrine of the last half of the twentieth century discloses the fact that the cultural dimension of national security is treated in most cases expeditiously ascertaining the seizure states arising from language, religion, etc.. the social dimension. Changes that took place at the turn of the millennia have forced policymakers and military and scientific community to give attention to the floor^[16].

Problems with direct reference to minorities in South-East arise with the idea of joining the European Union Serbian state emerged around the time of the declaration in June 2003 in Thessaloniki . The hypothesis of recognition of the Republic of Kosovo to Serbia led to massive demand by the minority Serbs in Kosovo Russian citizenship. Moajoritari in most cities are Albanians, including Mitrovica in Pristina but the authority does not extend acupare Serb territories like northern Mitrovica^[17].

An attempt to extend the border control stations located in northern Mitrovicei led to clashes that required the intervention of EULEX (EU mission under). Russia's position appeared by voice Foreign Minister Sergei Lavrov: "fully understand their motivations Kosovo Serbs and carefully study the requirements". However, Russian law provides two requirements for granting citizenship: residence in Russia or have been citizens of the former USSR. Among Serbs is known aspect of providing Russian citizenship to persons of Abkhazia and South Ossetia, and later to move into armed conflict against Georgia and to recognize their independence. In the future existence of a future independent republic is void at best be obtained guarantees for the Serb minority in Kosovo, any power with the understanding that any change of borders in the Balkans brought armed conflict.

Vlach minority issue was recently brought to the fore the attitude displayed by Romania, which put pressure through a possible Serbian accession lock. Stability and Association Agreement originally signed in April 29th, 2008 with Serbia, which had ratified every state to enter into force hit negative opinion of the Commission for the diaspora. The decision to block the admission of failure was attributed to minorities (ethnic Vlachs). In diplomatic agreements were signed in Pristina and Belgrade but did not cover the entire area desired.

Council meeting on General Affairs (CAG) has asked the Romanian Vlach minority inclusion in the conclusions of the problem which generated the extension board. Foreign Ministry said after talks in Bucharest that the CAG recommends candidate status for Serbia and alternatively argued the need for concrete results from the protocol on minorities, all on this occasion called for involving the European Commission and the High Representative of the OSCE for minorities. Declarative, Serbian President said that Romania aims to Vlachs to join the Romanian minority and Serbian rule will remain unchanged in this respect^[18].

Radiša Dragojevic, president of the Vlach National Council, which is controlled by the parties in power that separates ethnic Vlach ethnicity catalogs as

they consider Serbia as opposed to ethnic motherland considers Romania Romanian motherland. Number two minorities as of 6400 for the Vlach, respectively, 31000 for the Romanian in the 2002 census according to Dragojevic.

CONCLUSIONS

In his diplomatic called long collaboration between Romania and neighboring country, especially since the two countries have an interest not to recognize Kosovo, a province that the actions diplomatic relations between Pristina and Belgrade has given more authority in the field of regional negotiations.

On the other hand, in perspective, in light of the fact that Romania is currently the limit state will support EU enlargement including Serbia, the opposition they may be seen as an opportunity to grab attention, to consolidate its position and to be present in order to go long the negotiations on this third-party theme or other similar issues especially in the context of the Vlach minority is present also in other European countries including Macedonia.

At this point the number of Roma in South-East is estimated by UNICEF to 3.7 million of which 46% (1.7 million) are children. World Bank estimates are 5 times higher than those obtained by the census. In countries such as Romania, Macedonia, Serbia and Bulgaria has been a downward trend of the population under 19 years of local citizens representing a rate of 22-29% versus 41-47% recorded for the same sample comunităților among the Roma.

In terms of access to education was seen that they do not enjoy the same educational opportunities as the people, which, if associated to increased youth literacy rates may fall steeply. Also in terms of education can be seen very large difference between the rate of literacy leading male members assigned percentage of Roma women literate.

Gender inequality and women's lack of education make a contribution to future generations as negative parental attribute is a traditionally female New policies for the minority Gypsies appear time after 2005, when nine countries in Central and South-East helped launch the "Decade of Inclusion of Gypsies" and in December 2007 European Council explicitly spoke of improving the situation of Gypsies. During 2008 the EU Gypsies Summit was limited achievements recognized national policies adopted on the level of minorities. Because of the failure probably was caused by the failure to provide children and women rights. Looking ahead for the creation of a pan-European policy on Gypsies and other minorities. Required can be considered include the strategies of children, which in this strategy were present in fewer minorities especially on landing their training in practice, not theory. Any policy that refers to minority issues would include a step that will focus on breaking the cycle of deprivation and poverty.

If we look at differences in birth rate of 1.3 that the statistics do not provide continuity in the culture of the majority and increased birth rates when compared with minority ethnic element we conclude that the majority of mergers will create a structure that will involve changes in cultural.

References

- [1] Paul Robinson, trans.: Monica Neamt, *Dictionary of International Security*, ed. CA Publishing, Cluj-Napoca, 2010, p 48-49
- [2] Constantin Hlihor, Catherine Capatina, *Communication conflicts and international crises (the twentieth century and early this century)*, Ed Comunicare.ro, Bucharest, 2007, p.72-73
- [3] Julian Martin, John Basil, *Stability and Support Operations (other than war)*, Sitech publishing house, Craiova, 2012, p 46
- [4] Barry Buzan, Ole Waever, Jaap de Wilde (trans. George Jiglău), *Security: A New Framework for Analysis*, published by CAPublishing, Cluj-Napoca, 2011, p 188
- [5] Romeo Oita, Constantin Onisor, *Industry (semi) private security*, Publishing House of Scientists of Romania, Bucharest, 2011, p 31
- [6] Thomas George, *National security from the perspective of the new security architecture of the beginning of the century, uncertainties, reality perspectives*, Ed Acedemie National Intelligence, Bucharest, 2006, p.17
- [7] Paul Robinson, trans.: Monica Neamt, *Dictionary of International Security*, ed. CA Publishing, Cluj-Napoca, 2010, p152
- [8] Marian Zulean (ed), Luciana Alexandra Ghica, *National Security Policy*, ed: Polirom, Iasi, 2007, p.266-267
- [9] Davila Cringe, *This holiday will be Russian* in the journal World No. 2(227) / 2012, p.19
- [10] Alexandra Sarcinschi, *Role of state actors in shaping the international security environment*, the National Defense University Press, "Carol I", Bucharest, 2010, p 14
- [11] Peter Duțu, Cristina Bogzean, *Challenges for European Security*, National Defense University Press "Carol I", Bucharest, 2011, p.51
- [12] Danut Manta Condovici Andrei Nicolae, *Romania's role in ensuring the interests and protect the Black Sea region*, in Bulletin of the National Defence University "Carol I", nr.3/2010 Publishing National Defense University "Carol I", Bucharest, 2010, p.54-55
- [13] Stefan Mihai Dinu, *Key Russian Federation to participate in SCO(Shanghai Cooperation Organization), NATO-Russia Council, BRIC(Brazil, Russia, India, China) and possible influence in Central Asia and Caucasus, with repercussions Romanian*, National Defense University Press "Carol I", Bucharest, 2010, p.22
- [14] Cristian Munteanu, *Minorities and discrimination in the context of security and public order structures, in exercise of the Nondiscrimination and Equal Opportunities in Contemporary Society*, work of the fifth conference of non-discrimination and equal opportunities-NEDES 2011, publishing ProUniversitaria, Bucharest, 2011, p.190-191
- [15] Barry Buzan, Ole Waever, Jaap de Wilde, trans.: George Jiglău, *Security: a new framework for analysis*, ed.CA Publishing, Cluj-Napoca, 2011, p.175
- [16] Stefan Mihai Dinu, *Ethnic-religious composition of the conflict*, the National Defense University Press "Carol I", Bucharest 2005. p7
- [17] Davila Cringe, *This holiday will be Russian in the journal*, World No. 2 (227) / 2012, p.19
- [18] Mediafax

OBSERVATIONS ON THE INTERVENTION OF NATO IN KOSOVO

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Abstract

On the date of June 12th 1998, the North-Atlantic Council, gathered on the level of the ministers of defence, required the evaluation of the possible additional measures which NATO could take under the conditions of aggravation of the crisis from Kosovo. Consequently, on the date of October 13th 1998, pursuant to the aggravation of the situation, the North-Atlantic Council authorised orders of activation for the air attacks. This measure is meant to support the diplomatic efforts in order to determine the regime of Milosevici to withdraw the forces from Kosovo, to cooperate for the end of violence and to facilitate the return of refugees to their homes. However, in the last moment, pursuant to other diplomatic initiatives of the officials of NATO and United States, the president Milosevici accepted to collaborate, and the air attacks were cancelled

Keywords: NATO, Kosovo, North-Atlantic Council, Security Council, Resolution 1203

I. PRELIMINARY ISSUES OF THE INTERVENTION OF NATO

The Kosovo region enjoyed a high degree of autonomy within the former Yugoslavia until 1989, when the Serbian leader Slobodan Milosevici changed the status of the region, withdrawing its autonomy and passing it under the direct control of Belgrade, the Serbian capital. The Albanian Kosovarians strongly opposed to this decision. During the year 1998, the open conflict between the military forces and the Serbian police forces and those of Albanian Kosovarians caused the death of over 1,500 of Albanian Kosovarians and chased away 400,000 persons from their home. The overcome of conflict, the humanitarian consequences and the risk of extension of it in other countries as well caused a deep worry within the international community. The ignorance by the president Milosevici of the diplomatic efforts to amiable set the crisis and the destabilising role of Albanian militant forces from Kosovo represented other reasons of worry [1].

On the date of May 28th 1998, the North-Atlantic Council [2] gathered on the level of the ministers of foreign affairs, determined the two major objectives of NATO related to the Kosovo crisis, namely:

- to contribute to the acquirement of an amiable settlement of crisis, by the contribution to the reaction of the international community; and
- to promote the stability and security in the neighbouring countries, mainly in Albania and in the former Yugoslavia Republic of Macedonia [3].

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which NATO could take under the conditions of the aggravation of the crisis from Kosovo. Consequently, on the date of October 13th 1998, pursuant to the aggravation of the situation, the North-Atlantic Council authorised orders of activation for air attacks[4]. This measure is meant to support the diplomatic efforts in order to determine the regime of Milosevici to withdraw the forces from Kosovo, to collaborate for the termination of violence and to facilitate the return of refugees to their homes. However, on the last moment, pursuant to other diplomatic initiatives of the officials of NATO and of the United States, the president Milosevici accepted to collaborate, and the air attacks were cancelled [5].

The Resolution 1199 of the Security Council of ONU expresses, among others, the deep concern related to the excessive use of force by the Serbian security troupes and the Yugoslavian army and demanded the end of fire by both parties involved in the conflict. In the spirit of the resolution, limits were established with respect to the number of Serbia forces in Kosovo and in the purpose of the operations performed by it, according to a separate agreement concluded with the Serbian government. In addition, it was agreed that OSCE institutes a Mission of verification in Kosovo (KVM) which shall deal with the observance of the conditions on field and that NATO determines a mission of air supervision. The determination of the two missions was approved by the Resolution 1203 of the Security Council of the United Nations. A few NATO non-member nations agreed to contribute to the mission of supervision[6]. Coming in the support of OSCE, the Alliance constituted a special operative military force which could contribute to the emergency evacuation of KVM members, in case of a new conflict which would expose them to risk. This operative force was carried out in the former Yugoslavian Republic of Macedonia, under the general control of the Supreme Commandant of the Allied Forces in Europe [7].

Despite all these measures, the situation from Kosovo changed at the beginning of 1999s, pursuant to some actions of challenge came from both parties and to the excessive and disproportionate use of force by the army and special Serbian police. A part of these incidents were stopped by the mediation efforts of OSCE inspectors, but on the half of January, the situation got worse, pursuant to the escalate of the Serbian offensive against the Albanians from Kosovo. New international efforts were undertaken in order to quicken the search of a peaceful solution of conflict. The six nations of the Group of Contact, incorporated in 1992 at the Conference of London for the former Yugoslavia, France, Germany, Italy, United Kingdom, Russia and the United State, gathered on the date of January 29th. It was decided the emergency organisation of negotiations between the parties involved in conflict, which were to be carried out by international mediation. NATO supported and reinforced the efforts of the Group of Contact, approving on the date of January 30th the use of air attacks on need and transmitting a warning to both parties involved in conflict. These initiatives culminated with a first round of negotiations at Rambouillet, near Paris, between February 6th-23rd followed by a second round in Paris, between March 15th-18th. At the end of the second round of discussions, the delegation of Albanian Kosovarians signed the peace agreement proposed, and the discussions ended without a similar signature to be obtained from the Serbian delegation [8].

Immediately afterwards, the Serbian police and military forces intensified the operations against the Albanians ethnics from Kosovo, bringing troupes and additional tanks in the region, within a flagrant breach of the agreement from October. Before such systematic offensive, dozens of thousands of persons abandoned their homes [9].

II. AIR COMPANY OF NATO IN KOSOVO –ALLIED FORCE OPERATION AND ITS CONSEQUENCES

On March 20th, the OSCE mission of verification from Kosovo was withdrawn from the region, due to the fact that the obstructions of Serbian forces restricted its activity. The ambassador of the United States, Richard Holbrooke, went to Belgrad, in a last attempt to convince the president Milosevici to end the attacks over the Albanian Kosovarians, in order to avoid the imminent air attacks of NATO. Milosevici refused to submit, thus, on March 23rd was provided the order to start the air attacks (Allied Force Operation).

The Allied Force Operation lasted 78 days, between March 24th and June 10th 1999, when the air forces of NATO performed 38,000 missions, out of which 10,484 bombardment raids (initially against the military objectives, then extended over the industrial installations and the Yugoslavian infrastructure), as well as 2,700 missions against Serbian anti-air defence. Undertaken without any decision of ONU Security Council, condemned by Russia and China, the operations in the air space of Yugoslavia represented the first military intervention in the history of NATO. If NATO forums acknowledged the loss of only two aircrafts, without claiming the disappearance of any military, the bombardments caused 545 deaths among the Yugoslavian army and 2,000 victims among the civil population. Also, the air campaign of NATO severely affected the economy of Yugoslavia, causing important destructions of goods, factories, refineries, bridges, implicitly the blockage of fluvial traffic on Danube [10].

The NATO objectives related to the conflict from Kosovo were set forth in the declaration of the extraordinary meeting of the North-Atlantic Council, organised at the seat of NATO on April 12th 1999, and they were acknowledged by the chiefs of state and by the government from Washington, on April 23rd 1999:

- controlled termination of all military actions and immediate termination of violent and repression actions;
- withdrawal from Kosovo of police, military and paramilitary forces;
- staying in Kosovo of an international military presence;
- safe and unconditional repatriation of all refugees and persons deported and the free access of the organisations of humanitarian aid with a view to assist them;
- determination of a political frame-commitment for Kosovo in terms of the agreements from Rambouillet, in compliance with the international laws and the Charta of United Nations [8].

When these conditions were agreed by the president Milosevici, the North-Atlantic Council agreed on suspending the air campaign [11].

Thus, on June 10th 1999, after the end of the air campaign, the General Secretary of NATO, Javier Solana, announced that he had given instructions to the

general Wesley Clark, Supreme Commandant of Allied Forces in Europe, concerning the termination of the air operations undertaken by NATO. This decision was adopted after consulting the North-Atlantic Council and upon the confirmation by general Clark of the beginning of complete withdrawal of Yugoslavian forces from Kosovo. The withdrawal was performed in compliance with the technical-military agreement between NATO and the Federal Republic of Yugoslavia, in the evening of June 9th. The agreement was signed by the general lieutenant, Sir Michael Jackson, from NATO, and by the general colonel Svetozar Marjanovic, from the Yugoslavian army and by general lieutenant Obrad Stefanovic from the Ministers of Home Affairs, from the governments of Federal Republic Yugoslavia and Serbia Republic. The withdrawal was also performed in terms of the disposals of the agreement concluded on the date of June 3rd between Federal Republic Yugoslavia and the special representatives of the European Union and Russia [12].

On the same date of June 10th, the Security Council of the United Nations adopted the Resolution 1244, greeting the acceptance by the Federal Republic Yugoslavia of the principles for a political solution of the crisis from Kosovo, including the immediate termination of violence and the fast withdrawal of Yugoslavian military, police and paramilitary forces. The Resolution adopted with 14 favourable votes, none against, and one abstention (China), announced the decision of the Security Council to determine a civil and security presence in Kosovo, under the auspices of the United Nation. Acting under the Chapter VII of ONU Charta, the Security Council decided that the political solution of crisis was to be based on the general principles adopted on May 6th by the ministers of foreign affairs from the Group of the seven industrialised countries and Russian Federation – Group of the 8 – and on the principles included in the document presented in Belgrade by the special representatives of the Un European Union and Russia, which were accepted by the Federal Republic of Yugoslavia on June 3rd. Both documents were included as annexes to the Resolution [13].

The principles included, among others, the immediate and verifiable termination of violence and of repression in Kosovo; withdrawal of military Yugoslavian military, police and paramilitary forces; development of an effective civil and security international presence with the substantial participation of NATO thereof and under unique control and command; incorporation of an intermarry administration; safe and free repatriation of all refugees; a political transformation to provide a substantial self-governing of Kosovo province; demilitarisation of the Army of Liberation from Kosovo; and a global approach of the economic development of the crisis region [14].

The Security Council authorised the member states and the main international organisations to determine the international presence of security and decided that its responsibilities include the discouragement of new hostilities, demilitarisation of the Army of Liberation from Kosovo and insuring a safe environment for the return of refugees, and which may allow the international civil presence to carry out the activity. At the same time, the Security Council authorised the General Secretary of ONU to determine the international civil presence and demanded it to appoint a special representative in order to supervise the performance of such project in

practice. Pursuant to adopting the Resolution 1244, the general Jackson, appointed as commandant of the new civil and security force and action on the instructions of the North-Atlantic Council, began immediately the preparations for the fast development of Security Force, to operate under the mandate of ONU Security Council [15].

III. STABILIZING FORCE OF NATO – KFOR

The first KFOR troupes entered Kosovo on June 12th 1999. The development of KFOR troupes was synchronised upon the leaving of Serbian forces from Kosovo. On June 20th, the Serbian withdrawal ended, and KFOR had accomplished the initial mission of force development. The KFOR mission included: providing assistance with respect to the return of refugees and their protection; reconstruction and clearing the conflict areas; providing medical assistance; providing security and public order; providing security to minority ethnies; imposing interdiction armament traffic; protection of national patrimony; insuring the security of borders; armament destruction; supplying support to determine some civil institutions, protection of law and order, criminal and judicial system, electoral process and other issues of political, economic and social life of province [16].

The current missions of KFOR focus on constructing a safe space where all citizens, regardless the ethnies, cohabit peacefully, as well as providing support for the construction of a democratic civil society. Also, a special attention is still paid to minorities, this including patrol missions in the areas where these are determined, points of verification, providing escort to minority groups, protection of patrimony places and protection of the places where cloths and food are donated [17].

Initially, the KFOR mission was formed of 50,000 militaries, staff coming from the NATO member states, partner countries as well as NATO non-member countries, gathered under the Commandment of unified control. At the beginning of 2002, the KFOR contingent was reduced to 39,000 militaries. The improvements in the security environment allowed NATO to reduce the KFOR troupes to around 26,000 militaries, starting with June 2003, and, at the end of 2003, the number of troupes reached to 17,500. A step behind in the process of stabilization of the region was taken in March 2004, when new violence acts appeared between the Albanians and Serbians, and the KFOR forces were attacked. This determined NATO to increase the number of the existent troupes by another 2,500 militaries to consolidate KFOR. At the Summit from Istanbul in 2004, the NATO leaders and the governments of NATO member states condemned vehemently the ethnic violence from Kosovo from March 2004 and acknowledged the position of KFOR in the area, necessary to create a stable and multi-ethnic Kosovo. In August 2005, the North-Atlantic Council decided the reorganisation of KFOR. Thus, the 4 multi-national divisions were turned into 5 military formations [18] much more flexible, which allowed the military operations register much more success and to exist a better cooperation with the police and the local population. In 2006, NATO committed solemnly to continue to assure the military presence in the area, as much as the year 2007 is the year when it was decided the future status of Kosovo province [19].

The situation from Kosovo is closely supervised by the North-Atlantic Council. During the ministerial meeting from 2000, the NATO member states reasserted their decision to fully contribute to the achievement of the objectives of international community, as provided in the Resolution 1244, to take all necessary measures to turn the Kosovo province in a peaceful, democratic, multi-ethnic and multi-cultural territory, where all inhabitants could enjoy the fundamental rights and liberties. The ministers of exterior of NATO expressed their firm support for the duty undertaken by UNMIK and by the Special Representative of the General Secretary of ONU, as well as for the continuation of the collaboration on high level between UNMIK and KFOR. Also, they reasserted their decision to assure the maintenance of forces and capacities of KFOR on all levels required by the challenges which it should face.

CONCLUSIONS

On NATO Summit from Istanbul[20] dated June 2004, the heads of states and government of the state members condemned the ethnic violence from March 2004 and reasserted the commitment of the Alliance for a safe, stable and multi-ethnic Kosovo on the grounds of a complete implementation of the Resolution 1244, and on Riga, in November 2006, NATO expressed the decision to continue to assure a security climate in Kosovo and to contribute to the implementation of the security issues of the future solution concerning the status of such province, in collaboration with ONU, EU and OSCE[21].

References

- [1]http://www.msz.gov.pl/editor/files/docs/DPB/polityka_bezpieczenstwa/NATO_handbook.pdf.
- [2]The North-Atlantic Council is formed of the permanent representatives of all member states, who are gathering at least once per week and represent the political authority with effective power of decision. The Council gathers as well on high level, in the presence of the ministers of foreign affairs, the ministers of defence or the heads of state and government, having the same authority and deciding power, and their decisions have the same status and the same validity, regardless the level of the meeting. The Council has an important public image and issues declarations and handouts, which explain to the wide public and the governments of the states which are not NATO members, the NATO orientations and decisions.
- [3] <http://www.nato.int/kosovo/history.htm>.
- [4]*Ibidem*.
- [5]*Ibidem*.
- [6]http://www.msz.gov.pl/editor/files/docs/DPB/polityka_bezpieczenstwa/NATO_handbook.pdf.
- [7]*Ibidem*.
- [8]<http://www.jointophq.ro/cdmopi/teatreoperatii/kosovo/>.
- [9]<http://www.nato.int/kosovo/repo2000/report-en.pdf>.
- [10]*Ibidem*.

- [11]http://www.msz.gov.pl/editor/files/docs/DPB/polityka_bezpieczenstwa/NA_TO_handbook.pdf.
- [12]*Ibidem*.
- [13]<http://www.nato.int/kosovo/history.htm>.
- [14]*Ibidem*.
- [16]http://www.msz.gov.pl/editor/files/docs/DPB/polityka_bezpieczenstwa/NA_TO_handbook.pdf.
- [17]<http://www.nato.int/kfor/>.
- [18]Task Force – military term for a military formation which involves a combination of terrestrial, naval and air units.
- [19]<http://www.nato.int/kfor/>.
- [20]The Summit from Istanbul was organised between June 28th -29th 2004 and gathered for the first time the heads of state and government of the member states of NATO under the form of the 26 member states. The decisions taken in Istanbul advanced the process of transformation launched at the Summit from Prague in 2002, reasserting the global increasing role of NATO and announcing a change in the priorities of the Alliance concerning some political fields. The allied leaders reasserted the long term importance of trans-Atlantic relation and of sharing the same trans-Atlantic values and tried to create means of cooperation with other regions. Also, in Istanbul, the Alliance leaders launched the Initiative of Cooperation from Istanbul, which has as purpose the promotion of cooperation with the interested countries from the extended Middle Orient, starting with the countries of the Council of Cooperation of Gulf, in order to consolidate the security and stability through a new trans-Atlantic commitment in the same region. The main objectives of the initiative are: reform of defence; planning the defence; civil-military relations; fight against terrorism and illegal traffic, by exchange of information and maritime cooperation; „mil to mil” cooperation and non-proliferation of the weapons of mass destruction.
- [21]http://www.nato.int/docu/nato_after_riga/nato_after_riga_en.pdf.

HUMAN SECURITY ASPECTS IN THE EXTENDED AREA OF THE BLACK SEA

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Abstract

Ensuring human security is a universal problem. Whether we refer to the inhabitants of the Wider Black Sea, European Union or in Africa, ensuring human security must become a priority for all States, regardless of the size and level of development. The intensity of threats to human security differ from country to country, from region to region. The problem of ensuring human security in the Wider Black Sea is current. Of course, the idea of ensuring total human security in this area is a dream. But the dream can be real through the efforts of all state and non-state actors.

Key words: security, human security, Extended Area of the Black Sea, cooperation, threats

I. GENERAL ASPECTS REGARDING THE HUMAN SECURITY AND THE EXTENDED AREA OF THE BLACK SEA

Based on geographical criteria, the Extended Area of the Black Sea have six countries bordering the Black Sea (Romania, Ukraine, Russia, Georgia, Turkey and Bulgaria). The term “extended” refers rather to political–economical matters, than to the geographical aspect, so should be included the following countries: Moldova, Armenia, Azerbaijan and Greece. Therefore, the Extended Area of the Black stretches from the Balkans to the Caspian Sea, and becoming one of the most dynamic area during post-Cold War and post-Soviet Union. [1] Difference in this region is given by the states personality, by the values set and entities that create human activities in this area. Differences of this gifted area should not separate, create conflicts; differences should unite and help solve various problems arising at national, regional or international level. The Extended Black Sea Area is a space that has a major strategic importance in achieving and maintaining regional and international security. The strategic importance dues because of his strengths: positioning at the confluence of the Balkan peninsula, Eastern Europe and Middle Asia and all very close to the hot zone of the Middle East; contains a significant portion of the southern border of Russia, together with the northern limit of the southern flank of NATO and at the same time, the south-eastern extremity of NATO; is the gateway to the planetar ocean of Romania, Bulgaria, Ukraine and the Transcaucasian states; the Black Sea is the center of the proposed routes for transporting Caspian oil and that from Central Asia to Western strategic customers; the Black Sea basin has important rich marine and underwater and a large number of ports and civil and military port aranjaments; the Black Sea is for Russia the shortest path to the south and then through the Suez Canal, through east and to the

coast of Africa. [2] Located at the intersection of two religions (Christianity and Islam) and three families of people (of latin origin, glory and turkish), this area is a meeting of the interests countries, but also for other international actors. Therefore the area is a region that links Asia to Europe, helping to support the concept Eurasia geopolitical area which, in turn, is connected by a series of very important communication lines with other geopolitical zones and areas of interest, such as the North Sea, Western Europe, Central Europe, Eastern Mediterranean, Middle East, Caucasus and Central Asian space, Caspian area, the Balkans, Central Russia, the Baltic area. [3]

The need for individual security and defence is brought to the attention of international opinion by the Universal Declaration of Human Rights (1948): “*Everyone has the right to life, liberty and personal security.*” (Article 3); “*Everyone, as a member of society, has the right to social security and is directed through national effort and international cooperation level, taking - with the organization and resources of each, to achieve the realization of economic, social and cultural rights indispensable for his dignity and free development of his personality* “ (Article 22) Over the years, individual security has been included in human security. The idea of human security appears for the first time in 1994 in the Human Development Report United Nations Development Program and for security of individuals, combining human rights and human development. [4] The concept has become a priority of many states and security organizations, the emphasis moving from state security to personal security. However, a universally accepted definition of the concept is not yet formulated. Introducing this concept in the debate on security policy promotes collective responsibility to intervene and protect, because after all, human security is relevant to all people, even if they live in rich or poor countries. Hunger, pollution, ethnic conflict, human trafficking or drugs, illegal migration etc. are not unique events occurred only in a country, but rather the effects are felt in several states and even more.

According to the Human Development Report (1994), human security puts man at the center and includes several dimensions: *economic dimension* (unemployment, job insecurity, income inequality and resources, poverty, lack of housing); *food dimension* (in terms of quantity and quality of food availability); *health dimension* (illness, disease, respiratory disease from air pollution); *environmental dimension* (the effects of various threats coming from the environment, eg floods, earthquakes, pollution, drought etc.); *personal dimension* (conflict, poverty, drug crimes, violence against women and children, terrorism in its different forms of manifestation); *political dimension* (violation of human rights and democratic principles).

Human security concerns many types of freedoms: freedom of individual action, act on its own, individual freedom from fear and from needs etc. Human security model proposed in 1994 was improved by the Commission Report 2003 Human Security, in which human security stresses that national security does not exclude the rights and human development. The dimensions of human security are complementary; when the security from a state or a region (eg. in the Extended Area of the Black Sea) is in danger, are, directly or indirectly involved, the other countries in the region. We can say from this point of view, ensuring human

security is a priority for the region, and further, a universal priority. Ensuring human security in the Extended Area of the Black Sea contribute to the consolidation of the regional security and international security. States in this area are declared an interest in creating a climate of stability and security for citizens, by developing projects and development cooperation in all areas. To maintain human security in the area a number of *principles of human security* must be respected. [5]

In essence, human security focuses on ensuring equality and dignity to prevent human insecurities caused by various threats. This requires, first, responsibility and free will to solve the problems through cooperation, from the members of the Extended Area of the Black Sea.

II. DEVELOPMENTS IN THE GEOPOLITICAL SITUATION IN THE EXTENDED AREA OF THE BLACK SEA

Called in the ancient times Pontus Euxinus (unfriendly sea), Black Sea has become, over time, and especially after the Cold War, an important place on the world map. Interest manifested for the sea led to a security complex, which brings together countries whose security problems can not be resolved individually without the benefit of cooperation from others countries in the region.

Black Sea has always been a sensitive point in history, sometimes really played on the geopolitical map of Eurasia, an area where great powers have focused geostrategic practical ways to control it. Background redefinition Heartland-'s, Black Sea region was “*rediscovered by the West and pushed to the periphery to the center of Western attention.*” [6] The importance of the Black Sea is materialized in the following aspects: a) lies at the confluence of four areas of great geopolitics importance: the Balkans, Eastern Europe, Middle Asia the Caucasus (the hot zone which is close to the Middle East); b) is positioned at the junction of four color geopolitical: the Aegean, Danube, Dnieper and the Caspian; c) is the eastern limit of the southern flank of the North Atlantic Alliance and European Union's eastern border (after the accession of Romania and Bulgaria on 1 January 2007); d) on this route is expected to carry oil from the Caspian Sea, but also from Central Asia to the beneficiaries in the West; e) in the found of the basement are energy resources (oil and gas), and its waters contain great fish stocks (sturgeon, mackerel, rays, dolphins, sharks, mullet); f) offers many shopping facilities, tourist, cultural, social; g) has a large number of ports (civil and military), shipyards, port design of the various economic activities;h) have a very important demographic and economic potential as it has skilled labor and cheap natural riches, both in the subsoil, and in adjacent areas; i) offers favorable sailing conditions; j) relatively short distances between ports facilitates, hard and fast shipping traffic; k) represents a segment of the southern border of Russia and gives it the shortest way to the south and then east through the Suez Canal to the North African coast and as testament of Peter the Great is the only way to ensure immediate access to “warm sea”; l) presents all the time, interest in the great actors of world geopolitical scene, the traditional players, but for the new world geopolitical scene emerged, international organizations and transnational companies. [7]

Opening and gradual transformation of this area has also generated negative consequences in terms of security: waves of illegal immigrants from Asia and Africa countries in the enlarged cross the Black Sea, especially Ukraine and Moldova, on their way to the European Union, resulting in increased elements related to organized crime. [8]

III. APPLYING THE PRINCIPLES OF HUMAN SECURITY IN THE EXTENDED AREA OF THE BLACK SEA

Human security is seen through the prism of human development: *equality* of equitable access to opportunities; *sustainability*, responsibility that the present generation to future generations; *productivity* of investments in human resources and creating macroeconomic environment that would allow people to reach their full potential; *sense of decision*, in that people need to achieve a development that exercise options based on their desires, in a broader framework of the existing opportunity. [9]. Applying the principles of human security in the Extended Area of the Black Sea would be an important step in affirming the idea that the individual is the top priority of the contemporary world, by creating a boomerang effect for communities, states, regions etc. The first principle of human security applicable in this area is *the supremacy of human rights*. This principle has profound implications for security and development policy, if we consider that human rights include economic rights and social, and political and civil rights. We consider necessary for each of the states that make up the Extended Area of the Black Sea, human rights become a top priority of every government.

Integration in the EU and NATO states in the subject analysis requires respect for human rights and fundamental freedoms. The cases reported by various reports that talk about non fundamental freedoms and democratic principles in Ukraine (restriction of media freedom, the right of collective expression or freedom of association) and notified to the European Union diplomacy chief Catherine Ashton, and chief integration Štefan Füle, is true gifted consolidation rates barriers between the EU and Ukraine. [10] Solving the problem of human rights in Russia is on the agenda between Russia and the European Union to eliminate visas for Schengen. The supremacy of human rights means eliminating violence in relationships between people. Thus, acts of violence in the North Caucasus region are different from one republic to another and may have influence on the area under review. For example: in Dagestan, violence can be viewed as a consequence of dividing the society on religious grounds, that clashes between Islamic groups, some models accepting outside influences other remaining supporters of traditional forms of Islam in the North Caucasus (especially sufism). [11]

The supremacy of human rights means affirming the own personality, finding a suitable training place in society, regardless of gender or ethnicity and the rights and freedoms that every individual has. Accidents, such as occurred in Bulgaria, where a young Bulgarian boy, named Petrov Anghel, was deliberately hit by a minibus driven by a relative of a famous leader of the gypsies, Kiril Raskov, called "Tsar Kiro", and that led to massive protests from the Bulgarian population, should not have negative overall consequences of ethnic groups. [12] Also Bulgaria

has been widely criticized, in 2005, that she violated human rights, after the European Court of Human Rights has decided that banning a political party by the Bulgarian Constitutional Court was unjustified. [13] Members of the Extended Area of the Black Sea, but also regional and international security organizations must show a concern for protecting the rights and freedoms enshrined in various laws and regulations and to prevent abuse or violation of law made by judicial authorities in the presumption of innocence, the right to defense, individual freedom, human dignity and private life. We appreciate the commendable, concern of various specialists who support human rights priority rule to sovereignty. [14]

Another applicable principle of human security in the Extended Area of the Black Sea is the *legitimate political authority*. Human security in this area depends on the existence and functioning normally legitimate institutions receiving public confidence and have the ability to impose coercive measures. Public authority aims both countries in the region, and various local, regional or international in the area involved. A single state actor or a single organization can not hold all the solutions to the specific problems in this area and its own dynamics. Policy cooperation is the key to strengthening security and stability, so that each state have a word to say and also do not feel threatened. We should not neglect the involvement of civil society in states and areas in solving various specific problems.

Multilateralism is another principle of human security applicable to large areas of the Extended Area of the Black Sea. Putting this principle into practice means an shared commitment of all stakeholders involved in the Extended Area of the Black Sea to act together to create common rules and rules for solving problems through regulation, dialogue and cooperation. Multilateralism requires information and coordination of the member in the area of foreign policy between states or between development policies and initiatives for security policies. All the actors involved in the area must understand that the common interest is the transformation of the weak points in strong point through the development of joint actions or initiatives. We illustrate this principle through the work of two regional actors involved in maintaining security in the region:

The Economic Cooperation organization of Black Sea, launched officially by signing the Declaration of Istanbul on June 25, 1992, has as main objective to accelerate economic and social development of member states in order to achieve a higher degree of integration in European and global economy, through increased multilateral cooperation and use advantages arising from geographic proximity and complementarity of national economies. The presence of the European Union in the Extended Area of the Black Sea opens up perspectives and new possibilities. Black Sea Synergy, launched in April 2007, is a concrete indicator of EU interests in the area and initiated a new regional cooperation initiative, which aims to develop cooperation within the region and between regions, overall they, and the European Union. We complete the examples from some specific mechanisms, arising from the importance of large areas of the Extended Area of the Black Sea to achieve peace and global security: UN Development Program launched the Partnership for Peace launched by NATO, European Security Policy launched by the EU, INOGATE - Interstate Oil and gas shipment to Europe, TRACECA - Transport Corridor Europe

- Caucasus – Asia, Transport Area Pan – European, DANBLAS - Ecological Intervention Force Danube - Black Sea.

US interests can not be neglected, element of reference on the chessboard of the world, for this area, namely to consolidate its position in the area, the main pillar or geographical and economically interest.

Principle no.4 of human security is *bottom-up approach*. Communication, consultation and dialogue are the main tools for security and development in the Extended Area of the Black Sea. At the same time, these tools help the personal development of individuals to a better understanding by them of the importance of a culture of security in the region. An example of application of this principle is the project named “Strengthening cooperation in youth policies in the Extended Area of the Black Sea”, the new gifted partner countries (Moldova, Ukraine, Russia, Armenia, Azerbaijan, Georgia, Romania, Bulgaria and Turkey) aim to assess the situation of youth policy in the Extended Area of the Black Sea and exchange of experience and expertise between industry organizations and institutions to develop regional partnership. The involvement of public institutions of government, the associative sector and youth will create an instrument for participation in decision-making process at national, regional and European level. [15] Women's involvement in solving problems in society and further analysis of the subject can be a remarkable part in ensuring human security. Can be exemplified in this regard, several NGO's in Moldova, National Center for Research gifted countries and Information Women, Women Lawyers Association and the Civic Initiative, which have an important role in informing the Moldovan population on the risks of human trafficking.

Another principle of human security can be analyzed and applied is *the regional focus*, principle expressed by various organizations involved in supporting cooperation at different levels and in solving problems of different nature. The Extended Area of the Black Sea is not a area protected from risks and asymmetric threats such as terrorism, political instability, organized crime, illegal migration, frozen conflicts etc. Ethnic nationalism and religious revival, low living standards and deepening economic and social disparities are harmful to human security. The new world order instituted after the Cold War has brought new conflicts within some states, like Georgia (Abkhazia and Ossetia), Moldova (Transnistria) and Russia (Chechnya), and between countries (Armenia and Azerbaijan). [15]

Combating and preventing risks and threats to the security zone countries requires a concerted effort not only by states but also from regional and international organizations. At regional level, there are mechanisms and organizations such as: the Organization for Black Sea Economic Cooperation (operating with the European Instrument for Neighbour and Health Partnership and the document on measures to increase confidence and security in the Black Sea), Regional Security Conference, Black Sea Naval Cooperation Task Group, Black Sea Brigade South-East, the Border Defense Initiative, that cooperating in political, economic and military field.

European Union and North Atlantic Alliance show an attitude of expansion in the region. European Union is proving engine intraregional integration in the Extended Area of the Black Sea, regarding cooperation in three areas (energy, the

regional and area security). North Atlantic Alliance has a special role in developing a strategy to expand military cooperation in the region. The importance of this area was recognized by election as the location of Istanbul Summit in 2004. In addition, the North Atlantic Alliance enlargement to Eastern European place for the first time, the six Black Sea littoral states (Georgia, Russia, Ukraine, Turkey, Romania, Bulgaria) in numerical parity: three NATO members (Turkey, Romania, Bulgaria) and three non-member states (Georgia, Russia, Ukraine). Combating and preventing some phenomena manifested in the area, such as racism, marginalization and discrimination directed against national minorities, ethnic, religious and linguistic minorities, terrorism, migration, illegal trafficking, will be not only based on cooperation but also by universities or other educational institutions designed to identify the intellectual resources needed for sustainable development of all countries in the Black Sea. The most relevant are: Foundation for Tolerance and Black Sea Network, the Mediterranean and Black Sea Region, initiated by UNESCO.

The most obvious barriers which must be removed in the construction of effective cooperation are: indifference, mistrust and a sense of rupture.

CONCLUSIONS

In the present time, the security environment in the Extended Area of the Black Sea is defined by complexity and heterogeneity, the existence of regional security risks and the manifestation of interest and differing views on regional security. The evolutions taking place in the security environment in this area can not be separated from major security trends exhibited on the international level.

The security of the Extended Area of the Black Sea must be built on national security of states and should contribute to strengthening international security. The security interests of the states in this area must meet with the security interests of individuals.

Separation of human security development is difficult. Progress in various areas, the desire of people to be aware of these developments, education and self-education are several factors that make this not be possible.

Ensuring human security in the Extended Area of the Black Sea aims to create conditions (physical safety, sustainable institutions, rule of law etc.), that are part of development. Human security in this area must protect the individual and the society they belong to different threats, ranging from those involving physical security, economic security, environmental security, etc. Much easier to achieve and maintain human security through measures to prevent further than the interventions.

Member states of the Extended Area of the Black Sea, but other state and non-state actors should be interested in maintaining cooperation, dialogue and apply the principles of human security. Applying the principles of human security must start from the cooperation or regional or international dialogue, tolerance and trust.

Ensuring human security, by applying its principles, is a priority for all individuals who live, work and grow in the extended area of Extended Area of the Black Sea.

References

- [1] Sarcinschi, Alexandra and Băhnăreanu, Cristian, *Redimensionings and configuration of the regional security environment (the Black Sea and Balkans)*, Centre for Defence Strategic Studies and Security, National Defense University Publishing House, Bucharest, 2005, p.39.
- [2] Hlihor, Constantin, 2007, *Security policies in the contemporary international environment, vol.I, Strategic domain*, National Defense University Publishing House „Carol I”, Bucharest, p.231.
- [3] Calopăreanu, Gheorghe, *The security complex “the Extended Area of the Black Sea”*, National Defense University Publishing House “Carol I”, Bucharest, 2012, p.49.
- [4] Mary Kaldor, *Human security*, CA Publishing House, Cluj-Napoca, 2010, p.214.
- [5] *Ibidem*, p.217.
- [6] Prof.univ.dr. Adrian Pop (coordonator), Prof.univ. dr. Dan Manoleli, *Towards a European strategy in the Black Sea. Territorial cooperation, study no.4*, European Institute of Romania, Bucharest, p.9.
- [7] Bocai, Corneliu, *Considerations on geopolitical developments in the Extended Area of the Black Sea*, Navy Bulletin no. 8/2008, Bucharest, pp. 35-36.
- [8] Prof.univ.dr. Adrian Pop (coordonator), Prof.univ. dr. Dan Manoleli, *Op.cit.*, p.12.
- [9] Barry Buzan, *Peoples, states and fear*, Publising House Cartier, Chisinău, 2000, p.386.
- [10] Sursa: <http://www.timpul.md/articol/uniunea-europeana-solicita-ucrainei-respectarea-drepturilor-omului-si-a-libertatii-presei-16826.html>, accesed on 27th March, 2012, hour 22.45.
- [11] Dr.Bogdan-Alexandru Teodor, Mihai Sofonea, Valentin-Ionuț Nicula, *Frozen conflicts in the Extended Area of the Black Sea. Risk analysis*, p.171, article published in Journal of Intelligence Studies no.5 June, 2011, Bucharest.
- [12] Sursa: <http://www.obiectivbr.ro/component/content/article/61159.html>, accesed on 28th March, 2012, hour 22.30.
- [13] Sursa: <http://www.hotnews.ro/stiri-arhiva-1202431-curtea-europeana-condamna-interzicerea-unui-partid-etnic-bulgaria.htm>, accesed on 28th March, 2012, hour 22.25.
- [14] Kaldor, Mary, *Op.cit.*, p.218.
- [15] Sursa: <http://www.stiriong.ro/ong/dezvoltare/9-tari-din-regiunea-marii-negre-vor-dezv>, accesed on 29th March, 2012, hour 22.15.
- [16] Calopăreanu, Gheorghe, *Op.cit.*, p.57.

THE THEORIES OF GLOBALIZATION AND THE GLOBAL SECURITY ASPECTS IN THE BLACK SEA REGION

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Abstract

This paper treats the concept of globalization as interdependence, expansion of global linkage between organisations and countries, in the field of social, economic life, with profound implications in the area of global security. Starting from the major contemporary theories on globalization, it is presented the link between globalization, the security environment and the strategic principles of the national security. The consequences of globalization are important in the field of medium terms over the environment. The global threats needs and increasing cooperation of the whole human society, not only in one country or in one region.

Keywords: globalization, security, strategies, economic, Black sea region

I. THE THEORIES OF GLOBALIZATION

1.1. The main concepts of globalization

The meaning of the term “globalization” it is known in the early 1960, in many publications, but not in this form. Some authors preferred the terms like “global economy”, “global government”, or “international affairs”. [1]

Kenneth Waltz contends that we view globalization at interdependence, and that ‘interdependence is again associated with peace and peace increasingly with democracy’ [2]. People, firms, markets matter more, states matter less, because it is the economy that drives states to make decisions.

In fact, the world becomes more interdependent, decisions are made as a collective whole in the economic field, not the independent political state.

The globalization is contested by conservators, and used by liberals as a measure of prosperity, peace and freedom, or in some cases like a danger, because of the planetary dimension of social relations.

For many authors, the Globalization is a really Americanism spread around the globe. At the end of the Cold War, it become clearer that the ideology that won out, a capitalist democracy, was the winner and dominant ideology. The main theory behind it was that if a country is not transparent, with a flexible free market, then it will crumble.

In our world today, many countries are looking to open theirs economy. If a country wishing to join the world market must wear a “golden straightjacket,” a package of policies including balanced budgets, economic deregulation, openness to investment and trade, and a stable currency. Because it is economies that globalization is most concerned with, it is not a political decision by any one state or person, rather an economic “herd” of investors and lenders that decide when a country will receive investments and become a world economic player.

The adepts of “hyper globalization” considers that the globalization of the economy of many countries go to an expansion without borders of the economies, ending into very powerful economic, political networks, more powerful than the states ones institutes.

Globalization also means homogeneity in many fields: of prices, products, rates of interests, etc. A strong economy under globalization requires transparency, but then that transparency might transfer ideologically to the social and political realms as well. Waltz argues that this is exemplified in that ‘latecomers imitate the practices and adopt the institution of the countries that have shown the way.’

If the national states cannot adapt themselves to the changes, then their failure to be welcomed into the global community will lead to a larger poverty gap, less investment, less technology: a stagnant economy. What globalization has brought the world, is not an increasing interdependence, but growing inequality amongst reaches and poverty states.

In some cases it is stated that the globalization is the spread of capitalism throughout the world. Before globalization was relevant, power was battled through militaries and physical strength, through conflicts. The US picked up where colonialism left off, intervening both politically and militarily in Latin America, the Middle East and elsewhere.

We find out in the references that the term *globalization* implies in the same time two processes: capitalist production and trade replacing protectionist economies through specialization and globalization of the process of production and an integrated market [3]. This has led to an integration of national economies, where uniformity results across borders, not just economically, but socially as well. The rule of the economies is based in the US, along with Europe and other ruling elites.

Because the global economy became more relevant and defined, new elite emerged based on capitalist strength. Robinson points out that this happened in the mid-1980 before the end of the Cold War. This is an important point, because it shows that the US was concerned with globalization of political and economic factors before the supposed end of the bi-polar hegemonic system.

What resulted from the switch away from supporting authoritarian regimes was an endorsement of *polyarchy*. Polyarchy refers to a system in which a small group actually rules and mass participation in decision-making is confined to leadership choice in elections carefully managed by competing elites. The assumption in polyarchy is that the elite will respond to the will of the majority.

In some places, populace movements are seeking fundamental social change, not just simply a change in the electoral process. We note a difference between popular democracy and polyarchy are important because the popular democracy means that the majority of voters decides policy and representative outcomes, while polyarchy implies that an elite will decide what is best for the majority. Whoever is elected in a country, this power does not have to represent all the people, simply the ruling economic elite. The economic elite make globalization work and gives sway to neo-liberalism, a model that seeks to achieve the conditions for the total mobility of capital. In the Middle East, the elite are seeking stability in the economic policies of the state, so that the structures of the global economy can

operate. This requires price and exchange rate stability, etc. for markets and capital to flow freely.

Polyarchy is basically defined as equality of conditions for electoral participation is not relevant, and these conditions are decided unequal under capitalism owing to the unequal distribution of material and cultural resources among classes and groups, and the use of economic power to determine political outcomes.

In the globalization, the transnational practices are on three levels: economic, political and cultural. Economically it is transnational capital that is most important to the globalized elite. Politically, it is the success of the economic elite, and culturally, globalism is a system of consumerism. According to Robinson, US aid programs target the stability now of polyarchic systems. These systems must respond to dissent.

The change cannot be “from above,” but must be “from below,” changing civil society, organizations at the grassroots level. Therefore, US aid programs target women and student groups, as well as labor unions and political parties in democracy building programs.

1.2. Democracy building

Kriesberg was right when he said, “When parties do not agree about the system they constitute, the conflicts are particularly contentious and difficult to settle.” [4] This is particularly true when controversies over institutionalized systems are created in the political and social sphere. But people have to be largely discontent with the party in charge. That discontent within the political arena, democracy advocates claim, can be solved with more democratization.

In the period of Kennedy administration, the US has been sending aid to countries around the world under the guise of democracy building. As part of his Cold War strategy, Kennedy linked democracies to peace, arguing that democracies lead to more economic stability and friendly relations to the United States. Otherwise known as the Democratic Peace Thesis, the idea that democracies don’t fight other democracies was fundamental to the Kennedy Administration.

However, aid until the early 1990’s went primarily to Latin America and Asia. After the Gulf War, Bush started to increase aid to the Middle East to around \$250 million over the decade with the majority of those funds going to Egypt and the Occupied Territories in Israel (West Bank/Gaza). The US did not challenge other countries. The money that went to the Middle East was primarily for institutional reform in Egypt: to court efficiency, tort reform and decentralization of government. The U.S. defined its role in the Middle East as that of helping to prepare the countries for the day when political change would become possible.

There are many that agree with Robinson, who argue that the institutionalization of US aid towards democracy is not whole-hearted, with democracy as its only goal. Vitalis contends that, ‘beneath the latest fashionable rhetoric, “democracy” in the hands of AID serves as an instrument for the pursuit of other ends – specifically, more market-friendly economies [5].

These market-friendly economies are important for US exports, price controls and stable currencies that will allow foreign direct investment (FDI). As a

country becomes more open to trade and reforms the government sector, the private sector becomes more open for firms to operate on a more level playing field with state owned banks and institutions. This means that the US and other market-economies can have a 'slice of the pie,' in any country that becomes more capitalistic.

What market reform accomplishes in the democracy building front is a justification sociologically and politically as the best way to reduce the impact of nepotistic networks. The wider the scope of market forces, the less room there will be for rent-seeking by elites with privileged access to state power and resources.

1.3. The long terms implication of globalisation in the security field

We note that the process of globalization tend to develop the scientific progress, the global value of information, the transnational economy, social relations, overlapping the political spheres and neutralizing the sectarian and totalitarian regimes.

The democratic policy of many countries becomes global, and the process of globalization in linked very close with the global threats. The need of social solidarity implies also the aspects of protection of environment, of human beings and of society as a whole. Today the physical borders limit the societies, the states and the politics, and the purpose in the future is to transform these borders in order to make a union of political identities. Is is crucial to study the rapport between the globalization and reconfiguration of political partners, and the points of economical, cultural, military and multinational power. The development of global networks tends to interlink the industries of many countries around the world. The new created global alliances and actors enter into competition each others. The new political, economical and cultural entities are perceived like a whole.

The globalization of the economy implies the transformation of the security strategies because:

- the necessity of security of transports in a limited dimensional market, on a long scale distances, and the energetic security;
- the necessity of a secure economic market witch is a big one, as a whole on the planet.

At the Summit of Milennium, held in 2000, and after the events in SUA on 11.09.2011, it is discussed more and more the equation between globalization-security environment-national security. The conclusion is that the actual world it is not good prepared to face an asymmetric global threat and to control the sources of instability an armed conflicts. In global society it is crucial some activities in the fiels of the national security, such as:

- the growth of the generating resources for national security in order to improving the whole security of the communities;
- the development of the colective defence with the participation of many countries and the nongouvernemental actors;
- the improuvment of the economic cooperation for fighting against the negative effects of the globalization.
- the creation of the mecanisms of control and international cooperation in the fields of: terrorism, finance, economic, infractional and illegal operations;

-the development of the systems of fight against asymmetric threats.

II. THE POSITIVE AND NEGATIVE ASPECTS OF SECURITY IN BLACK SEA REGION

The Black Sea region is one of the most important area in the world and plays an extremely important role in the modern global security affairs. The fundamental changes on the political map of the region took place at the end of 80s and the beginning of 90s of the last Century, which was interrelated with the political changes in eastern Europe and post-soviet space, such as democratic transitions in Romania and Bulgaria, disintegration of the USSR and gaining the national independence by the former soviet republics from the greater Black Sea Region-Russian Federation, Ukraine, Moldova, Georgia, Armenia, Azerbaijan.

The period after the cold war, in the Black Sea Region brought lots of positive results, such as: foundation of the Organization - Black Sea Economic Cooperation (BSEC), expansion of NATO and EU and joining Bulgaria and Romania to the North-Atlantic Alliance and European Union, activate the negotiation process between Turkey and EU regarding the joining of Turkey to the European Union, "Rose revolution" in Georgia and "Orange Revolution" in Ukraine, involvement of the several countries of the region to the EU neighborhood Initiative, beginning of the implementation of Global Economic projects with the participation of the States of the corridor '2 Caspian Oil Projects'.

In the beginning of 21 Century, the region of Black sea is more democratic and more secure. However, this part of the World still faces many problems and challenges, which have to be solved by the countries of the Region and on a global level by the International Community.

About the negative aspect in the Black Sea Region it is important to mention:

- the terrorism - terrorist groups still continue to carry out the terrorist acts. In this case first of all should be mentioned about Kurdish terrorist groups in Turkey, existence of the terrorist groups in Chechnya, Abkhazia and South Ossetia. Other reason of the expansion of terrorism is aggressive separatism.

-the separatist movements: in most of the cases the reason of separatist movement is the existence of some states in Black Sea Region, in which official Authorities encourage the separatist movements and terrorist groups in other states by providing de-facto authorities of separatist regions by weapons, financial support etc. Clear example of the support of the separatist regions was aggression of Russia against Georgia in August 2008, when Russian armed forces have occupied the whole territory of "South Ossetia" and Abkhazia.

-the most important problem, which hampers the development of cooperation in the Black Sea Region is existence of confrontations between Russia and Georgia, Armenia and Azerbaijan, Armenia and Turkey, Russia and Moldova;

-the energy security of the Region;

-the problem of natural gas resources and of oil resources;

- the projects for gas and oil conducts under the Black Sea in connection with security problems and even conflicts in the region;
- the strategic point of the Black sea, with the religious problems between the muslims and christians;

CONCLUSIONS

The major contemporary theories on globalization presents the link between globalisation, the security environment and the strategic principles of the national security. The consequences of globalization are important in the field of medium terms over the environment. The problems of globalization have some negative and positive aspects in the Black Sea region, and the mechanism of cooperation between states in the region is very important on one hand for economic growth, and on the other hand for stability, security of the region, national security and the environment protection. In this region the problems are very complex, due to many strategic, politic, cultural interactions between countries and others international actors.

References

- [1] Lipset, Seymour Martin. The Social Requisites of Democracy Revisited: 1993 Presidential Address. *American Sociological Review*, Vol. 59, No. 1 (Feb., 1994);
- [2] Ottaway, Marina. Thinking Big: Democratizing the Middle East. *Boston Globe*. Jan. 5, 2003;
- [3] Robinson, Globalization, the World System, and "Democracy Promotion" in US Foreign Policy. *Theory and Society*, Vol. 25, No.5;
- [4] Waltz, Kenneth. Globalization and Governance. *PS: Political Science and Politics*, Vol. 32, No.4, (Dec. 1999), pag.693;
- [5] Vitalis, Robert. The Democratization Industry and the Limits of the New Interventionism. *Middle East Report*, No. 187/188. Intervention and North-South Politics in the 90's. (Mar. –Jun., 1994), 48.

THE RUSSIAN FEDERATION AND REGIONAL SECURITY IN THE WIDER BLACK SEA AREA

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Abstract

Throughout history, Russia considered the Black Sea region to be a crucial component of its national security and, therefore, defending Russia's sphere of influence is a state matter. On this account, Russia seeks to keep the other actors that can influence the balance of power, such as the United States, NATO and other Western security organizations, outside the region. While some countries, like Ukraine and Georgia, believes that Russia is a threat, Russian Federation, in turn, considers it is circled and surrounded by the West. This essay seeks to examine the Russian Federation relations with the countries in the Wider Black Sea area and its contribution to the priorities and security in this particular area.

Key -words: security, Wider Black Sea Area, regional, Russia

INTRODUCTION

The European continent is evolving towards an environment of safe cooperation, whose benchmarks are political-economic integration and expansion of states that share and promote democratic values and the idea of developing the spirit of market economy. Mostly European territory, the Black Sea region has become, over physical time, the center of strategic interests in a geographic area where regional cooperation tends to play the lead role. This local relationship could not show attitude of acceptance for natives of the countries involved, without democratic consolidation efforts on their behalf, without the benefits of globalization and the European Union acquis for the countries of Central and Southeast Europe and without their appeal to NATO and European Union. In 1991, the Black Sea region began a transformation process that was at least spectacular. The area has begun to gain the image of an important watershed with remarkable geopolitical, social, cultural and political significance.

All these components, interpreted from the standpoint of current times, and in relation with the events of recent years, have transformed the Black Sea and its adjacent area in what is called today “Wider Black Sea Region”. In addition to the six coastal countries (Bulgaria, Russian Federation, Georgia, Romania, Turkey and Ukraine), the newly named area comprise Moldova and other Caucasian countries (Armenia and Azerbaijan).

NATO's and European Union's expansion processes have brought the European and Euro-Atlantic community on the eastern edge of the “old continent” and have changed the perception that the Black Sea area is on the outskirts of Europe. In addition, it has increased its geopolitical role of interface with Central Asia and Middle East. Despite subsequent developments in the region, major events like *Rose Revolution* in Georgia, from December 2003 and *Orange Revolution* in Ukraine, from

January 2005, opened the path for democracy and freedom offensive in the Black Sea area, beyond Ukraine, Georgia and Moldova. The population solidarity in Georgia, Ukraine and Moldova border allowed the expansion of freedom in the Black Sea, creating major changes in the reform of civil society. Once established, this process of embedded democracy would unite the transatlantic community, represented by NATO member states, the former Soviet states and the Middle East region and would permanently, or at least indefinitely, integrate the Wider Black Sea in Europe.

I. RUSSIAN FEDERATION INTERESTS IN THE WIDER BLACK SEA AREA

When defining regional stability and security, Russia is undoubtedly one of the main actors as reflected by the fact that the main concern in the Russian “near abroad” is to maintain and strengthen its authority and to restrict the presence of other powers. As shown in numerous specialized works of Russian geostrategics, threats to Russia consist in both external and internal aggressions, its security being literally mined by contradictions that occur at social, political, economic, regional-territorial and ethnic levels. The military conflicts inside border areas of the former USSR countries are probably the biggest threat to Russia. Beyond ethnic conflicts, a considerable risk to Russia's territorial unity derives from the possibility of division in the Urals and Western Siberia and the arising of two distinct regions, the European and Asian region.

Since U.S. is simultaneously exerting both military and political influence in the Black Sea region by expanding NATO's influence, through defensive bilateral agreements and patronage to pro-Western elites who had opposed the pro-Russian government, the Russian Federation tends to believe that it is systematically cornered. The intensity of Russia's fear of encirclement was clearly visible during the crisis of August 2008. For this reason, Russia's interests in the Black Sea region can be defined from various angles. First, despite the growing influence of regional and global actors in the Black Sea region, Russia wants to maintain its position of a major power. Then, Moscow is trying to prevent the emergence of actors or projects regarding energy sources that are not under Russian control, to obstruct military coalitions that could lead to Russia's scission, and to deter countries in the region to turn to the status of NATO countries.

The Russian-Georgian war has changed the perception of security in the Wider Black Sea area. It is clear now that its security is closely linked to the prolonged regional conflict. After the war, development in certain areas has stressed Russia's role as a regional player. Russia has now new military bases in the Caucasus, Western credibility quickly disappears and the perception of a regional threat is at its peak.

Russian Federation focuses on upgrading the equipment for military forces in south, in the context of persisting risk of tension recurrences that could escalate into armed conflicts in the Black Sea, Caspian Sea and Caucasian region. Major risks are the following: the possible deterioration of the situation in Nagorno-Karabakh; the disputes between European Union, Azerbaijan and Turkmenistan concerning the construction of the trans-Caspian pipeline; its interconnection with the “Nabucco” and statutory of the Caspian Sea; the placement of U.S. missile shield on Romania and

Turkey territory; the growth of military cooperation between NATO and Ukraine, Georgia and Azerbaijan in the prospect of adhering to NATO; the enhancing cooperation between Azerbaijan and the U.S., European Union and Turkey; and, last but not least, disputes between Ukraine and Turkey in the implementation of the “South Stream” pipeline.

At the outset of November 2011, international media reported that in case of failure at the Russian-American negotiations on the location of the missile shield in Europe, the Russian Federation could deploy its “Iskander” missile systems in Belarus, Kaliningrad region and in Russian south-eastern region, Krasnodar Krai, in order to counteract threats to Russian nuclear strategic forces. Moscow's position, presented on November 23, 2011 by the Federation President's voice was clear: Moscow will act taking into account the real evolution of events in the deployment of each phase of the U.S.A's plan of installing its missile defensive system.

Russia is also concerned about the fact that US's officials and other NATO member states have given assurances that the missile defensive system is not aimed against Russia, but yet they refuse to confirm this by providing legal safeguards. It seems that Kremlin's intended message seeks, in fact, to prepare the Western public opinion in case that Moscow will adopt some drastic measures, such as backing from the “START / 2” Treaty or interrupting of further discussions on disarmament. In the same day, Alliance's spokesperson said that NATO had taken note of these statements, which will be carefully studied and, in reply, the spokesperson of the U.S.A National Security Council said that Washington does not intend to amend or limit the deployment of missile defensive projects in Europe.

Three weeks later, Nikolai Patrushev, Secretary of Russian Federation Security Council stated that experts have clear arguments that US missile defensive system is directed both against Russia and China and expressed his belief that U.S.A's next move will be to deploy ships equipped with missile and radar systems, near Russian borders, as part of missile defense shield. In addition, the Russian official identified Georgia as another threat to Russia, by allowing terrorist groups to train, within the Caucasian state, for carrying actions on Russian territory.

All these tensions are reminiscent of the sour relations between Russia and NATO that followed the 2008 Russian-Georgian war. Repeating history would not be beneficial to the Black Sea security.

Some of Kremlin's goals are to upgrade Russian Black Sea Fleet and to obtain strategic advantages on account of good relationships that Russian Federation cultivates in Abkhazia, South Ossetia and Ukraine. Moscow is aware that improving relations with these regions and Kiev may result in signing of advantageous cooperation agreements, which ultimately will translate in increased Russian presence in the Black Sea and great support in the effort of regaining the historical sphere of influence over the once Soviet regions and countries. In early December 2011, the “Admiral Kuznetsov” carrier began the several months march in the Atlantic and the Mediterranean Sea which in order to carry out joint training exercises with ships from the Baltic and Black Sea fleets (for this purpose, a frigate from the Black Sea Fleet crossed the Turkish straits and made junction with in the Mediterranean Sea).

Georgia's decision to initiate military operations against rebels in South Ossetia in August 2008 received a strong military response from Russia, which

created the conditions for long-term Russian presence in this region and in Abkhazia. After military hostilities ended, Moscow immediately recognized the two provinces as independent states and concluded economic agreements with it, despite many of historical, cultural and ethnic differences that have created friction over the centuries between Russia and separatist provinces. Moreover, the two separatist provinces have signed agreements with Moscow on the deployment of Russian forces on their territories. Such an agreement, signed in September 2009, gives Russia the right to build, use and improve military infrastructure and military bases in Abkhazia and South Ossetia and to deploy and maintain military contingents in the regions [1], both in peacetime and wartime [2].

Later, in 2010, other agreements have sanctioned the construction of military bases in Tskhinvali (South Ossetia) and Gudauta (Abkhazia). Of these, the one with Abkhazia is particularly important as it establishes the building of a military ground base as a first operation in the creation, of an air base near Gudauta and of facilities for naval forces at Ochamchire (during the Cold War, the latter was a Soviet naval base for coast guard ships, mines destroying ships and other support vessels). The existence of such base, near Georgian coast will have a strategically importance and would allow Russia's Black Sea Fleet to support the potential maritime operations in the eastern Black Sea even if some port's features do not allow docking of large vessels, such as "Moscow"[3].

The Russian-Georgian war has shown the vital importance of Russia's Black Sea Fleet in defending Moscow's strategic interests. During the conflict, the fleet has played a crucial role by moving 13 combat ships [4] that attacked Georgian Navy ships and port facilities in the country, by moving Russian troops into Abkhazia and establishing blockade on Georgia's ports. As a result, the Russian leaders have decided to modernize the Black Sea Fleet and expand its presence in the region.

The Russian Federation has a strong interest in developing military cooperation in the former Soviet bloc countries. At the meeting between the Polish Chief of Staff, General Mieczyslaw Cieniuc and his Russian counterpart, Gen. Nikolai Makarov, they have discussed, along strictly military cooperation issues (reform of the armed forces and military training), matters affecting the deployment of U.S.'s missile system in Europe, as well as regional and international security.

Also the Polish side was interested in other domains such as: land and air logistic transportations on Russia's territory, in order to sustain the Polish military contingent deployed in Afghanistan; cross-border military cooperation and development of joint response procedures in case of crisis in Baltic Sea region. By this approximation, the Russian Federation once again demonstrates the interest in the Baltic's, in the context of actions meant to recovery Moscow's former sphere of influence. The Russian geopoliticians believe that U.S. and NATO are Russia's potential aggressors that develop dangerous military-strategic concepts and support a military-technical policy, which is against Russian interests. US, they say, openly display their hegemonic tendencies of world ruler.

II. ECONOMIC IMPACT ON SECURITY IN THE REGION

Another aspect of Russian policy in the field of security is related to the dynamic of economic development. The energy resources are invariably located in underdeveloped and politically unstable areas. The energy agreements policies have evolved in a direction favoring large consumers, such as highly industrialized countries. In other words, besides the lack of a free market, the price of gas is lower than should normally be.

These conditions create an environment that leaves much room to maneuver for states strong enough to take advantages. Moreover, Russia, at least in the recent two decades, gradually has realized that it has this advantage and has begun to fully use it. Moscow claims it has supplied Europe with cheap gas too long and cannot be compelled to do so still. Therefore, it favors for compliance with existing contracts and negotiates for future new ones. This should be seen as an element of subtle pressure on the States of the former Russian sphere of influence and on the European Union. Russia's foreign policy seems to be largely inspired from Alexander Dugin's [5] expansionist theories, given Russia's special relationship with Germany, to which it provides about 70% of energy, the protection that Moscow attaches to Iran (including to hundreds of Russian nuclear physicists working for the regime in Tehran) and the dialogue with Japan. Alexander Dugin and the geopolitical euro-asian current [6] seems most appropriate now to Russia's globalizing ambitions.

Gazprom's strategy foresees its transformation into a global player on the energy market and, consequently, of Russian Federation's. To achieve this bold strategy, Gazprom needs fully control of transit networks (Georgia, Ukraine, Turkey) and penetration on Western Europe's market networks. Having control on distribution networks is crucial for Gazprom in order to maintain the monopoly on gas exports from Russia and Middle East and makes Russia invulnerable to economic blackmail exercised by transitory countries. That's why Gazprom wants to take control over distribution networks in Western Europe, too, and to master profits from gas distribution. Currently, the distribution companies in Western Europe gain an important part of their profits from the activities of import and distribution of Russian gas across the European Union. Gazprom's attempts to penetrate the European distribution markets and to force the failure of some countries's transit networks (especially pro-Western Ukraine and pro-Russian Belarus felt the pressure) in the "near abroad" [7] are the components of Russia's unitary strategy, whose success depends on the degree of diplomatic courtesy and on the offer made by the Russians [8]. Increasing the price for some former Soviet republics is only one step in affirming Gazprom on the European and Eurasian energy market. The history of international relations demonstrates that, the greater in size and population a country is a much stronger position on the international scene it has. The Russian Federation already followed this unwritten rule, but it needed something more, something solid. The evolution of the sensitive global issues was offering the solution to this national dilemma: energy is the engine of the XXI century economies, and Russia is the world's biggest holder of energy resources. The fully control on energy immediately meets the condition required by post-Soviet Russia's geopolitical objectives.

Currently Russia holds the most robust global energy market, in every aspect, judging from its capacity of operating with reserves, and from the expected developments of future energy market. Oil has still an important position in the global energy consumption, but there is a tendency to decrease its share in favor of natural gas, nuclear energy and alternative resources. Of the latter, natural gas has the most spectacular growth. From 23% as currently, gas is expected to increase to more than 30% of global energy consumption by 2020. Russia has a clear advantage in both situations. On the one hand, Russia is the largest exporter of natural gas, with approximately 30% of known global reserves, and on the other hand, prospects have shown that, in Western Siberia, there might be lying the largest deposits of oil (160 billion barrels). To complete the picture, we must add that Russia is the second largest producer of coal worldwide.

Once identified, this advantage has begun to be exploited immediately. However, using it as a geostrategic weapon implies that the energy must belong to Russia. This direction has driven the Kremlin leaders since 2003. With state-owned companies Gazprom and Rosneft, they have started an aggressive campaign of crossing facilities (processing facilities, warehouses, pipelines) and natural gas reserves under state ownership. Without this process a geopolitical game of power could not be made. In this respect, we must understand actions that took place against private oil companies in the Russian Federation, of which the most important is the trial of the billionaire Mikhail Khodorkovsky, owner of Yukos oil giant. This game of power played by Russia is manifested especially on regional level, where Moscow has immediate and direct interests (Eastern Europe, Black Sea, Caucasus and Central Asia) and where it is a priority. When it comes to Russia's involvement in other areas of the world, it has rather declarative interventions made by Moscow in the virtue of old habits, inherited from former URSS. The Russian officials lost no occasion to appease international public opinion on their country's honorable intentions regarding the issue of gas supplies, although using it for political advantages, is more than obvious. Assertions that some European countries depend for more than 80% of Russian gas are constant speeches of Russian politicians. In terms of gas monopoly, the Russian regional policy is facilitated by several factors of which the most important is the lack of a gas free market. Thus, it can arbitrarily fix the price of gas in terms of its foreign policy's objectives. More specific examples are the cases of Ukraine and Georgia, who had problems with gas supplies from Moscow while, it is known the fact that in Kiev and Tbilisi were, at that time, pro-Western regimes.

The power conferred by wealth of resources reserves was exerted by Russia only in the former Soviet Union and very little in Eastern Europe. The energy issue was for some time on the agenda of the European Union's states, which began since 2000 a dialogue on energy with Russia. However, progress delayed to appear, and the matter was emphasized again in January 2006 when Russians cut off to gas to Ukraine, calling for a price much higher than the existing one. Europe realized then, how much it depends on Russia and tried to co-sign with Moscow the "Energy Charter", whose commitment were to provide safe energy to the Old Continent. Currently, there is a war on gas. Russia is unwilling to liberalize the internal energy market preventing, thus, penetration of private companies and state losing control of its key sectors.

This dispute on gas is contradictory; it divides and at the same time, it unites the Europeans and the Russians. On the one hand, both sides are struggling hard to control, or to access the gas resources, and, on the other hand, both sides are closely linked by this matter. Neither Russia nor the European Union have alternatives to their producer - consumer relationship, both remain the most viable provider, respectively the most important purchaser. The only difference is in the capacity of finding these alternatives, on short-term. In fact, it is one of the two major fronts on which this battle is given. Russian Federation is more likely to develop, on short-term, a project to reorient its gas production towards the Asia – Pacific region, which seems to become the largest consumer in the future, than the European Union is to find alternative sources of energy, simply because they are limited. The coordination and centralization of actions of each of the two actors in this dispute is another issue that has to be discussed here. Again, Russia seems to prevail. Its main advantage derives mainly from the fact that the Russian Federation is a unitary state and operates unitary and centralized in the field of energy resources. For Europeans, the biggest problem is that European integration concept has not reached such an advanced level to allow joint action on energy. Essential for Russia is not its consistence in action, but to create a real gas cartel on OPEC model, controlled by Moscow and augmented with Algeria, Qatar, Libya, Iran and Central Asian countries. The existence of such format would give Russia discretion, including lordship on gas pricing. Keeping the production costs relatively constant while increasing energy prices means increased spectacular profits earned by the producers [9]. Consuming countries of the Commonwealth of Independent States (CIS) have enjoyed a long period of natural gas supplied at prices significantly lower than those in Central and Western. In exchange, these countries offered to Russia their loyalty and / or their distribution networks for Russian gas transit. Thus, Gazprom's decision to introduce market rates in relations with CIS countries has a clear economic purpose.

Is the Russian concern motivated to sponsor the neighboring countries? There are several reasons for which sponsorship is not advantageous. Firstly, many enterprises in CIS countries (especially heavy industry) are direct competitors to those from Russia and to continue subsidizing competitors through preferential gas prices should be a ridiculous economic decision. Secondly, Russia's gas system is in a deplorable state, and, finally, in the last decade Gazprom's investments in exploration of new gas fields have proven insufficient.

It is obvious that Gazprom has a clear strategy and now seeks to create new types of relationships which will lead to the establishment of market prices and replacement of preferential-type prices specific to the Soviet period and perpetuated under the old system. Even loyal allies of Russia, such as Belarus or Armenia, were forced to adapt to new policy of Gazprom or will have to do so in the near future. Higher prices for natural gas supplied to the CIS member-consumer have a pronounced political character. Visibly disturbed by Euro-Atlantic tendencies of Ukraine, Moldova and Georgia, the Kremlin relies increasingly on economic levers in punishing its former “vassals”.

When it comes to gas supply and price negotiation with customers from the Western Europe and the CIS, Gazprom shows two different approaches. If to CIS

states it can apply different tools of persuasion, including suspension of supply (in Ukraine's case), in relation to Western clients, Gazprom demonstrates an exemplary fairness. Apparently, the fight is taken with "soft" means. In order to promote the Euro-Atlantic vision, regional organizations affiliated, more or less to US have emerged: GUAM (Georgia, Ukraine, Azerbaijan and Moldova), The Community of Democratic Choice and The Black Sea Forum for Dialogue and Partnership, created in 2006, under the President of Romania aegis, a forum where Russia has sent only its ambassador, without taking part in debates.

The American Bruce Jackson, who was part of the Bush administration has published, in an article titled "Velvet War for Eastern Europe", the US vision on the "Wider Black Sea", according to which, here, "the promotion of democracy will counteract Moscow's revenging ambitions, as here, for the first time in 150 years, relations between Russia and Europe will be defined in the first decades of the XXI century".

CONCLUSIONS

If the growing demand for energy and global resources represents Russia's "sickle", the "hammer" is, of course, Kremlin's policy of nationalization and state control over strategic industries that use natural resources for political purposes. After the collapse of the USSR, the Russian intelligence services have reoriented much of their commercial and industrial activities, creating companies that quickly became the dominant in the economic system of the new Russia. The Russian oligarchs became powerful in the former satellite states and the examples are numerous. According to the famous Russian anticommunist writer Vladimir Bukovsky, a keen observer of Eastern and Western Europe, one of such shell-companies is Lukoil [10].

Russia's economic reinforcement in the former Soviet communist states was achieved in the privatization field and with support of local transition elites that European Union has to deal with today. According to Vladimir Bukovsky, Russia's offensive on the market must be analyzed and understood through the involvement of KGB and other structures that were more or less institutionally connected with the feared Soviet state's security organization. Russian capitalism is largely the result of privatization, on KGB's structures, of the former Soviet economy. The situation in the former communist countries is no different. Here, the Russians have bought many former security personnel, which was economical and political repositioned after the fall of the Soviet bloc.

References

- [1] The original text of the agreement uses the expression "two states", which stresses that Russia considers the state unit two provinces, in recognition of their status.
- [2] "Russia Signs Military Cooperation Deal with Abkhazia, South Ossetia," RIA Novosti, 15 September 2009.
- [3] "Moscow" (Moskva - lb. Russian) is the only ship class guided missile launchers Glory of Black Sea Fleet. It entered service in 1983, has carried out several missions in support of combat operations in Georgia and participated in numerous exercises, including the 2010 Vostok Russian Far East. (According to The Black Sea Fleet: The

Cost of Power, "Ria Novosti, 5 May 2010, <http://en.rian.ru/analysis/20100505/158884172.html>).

[4] Volume "geopolitical axis of the Black Sea", Ed Tesu, text appeared under the title "Mosca infiltrate it buco nero chiamato Romania", published in the January 2007 Journal of Geopolitics Italian Limes, dedicated Balkans.

[5] Dmitry Gorenburg, "The Russian Black Sea Fleet after the Georgia War," Russian Military Reform, 22 September 2009, <http://russiamil.wordpress.com/2009/09/22/the-russian-black-sea-fleet-af>.

[6] Aleksandr Dugin is a political scientist and one of the most popular ideologies of expansionism, nationalism and Russian fascism. He has close ties to the Kremlin and the Russian Armed Forces. It is best known through his book "The foundation of geopolitics".

[7] The neo- Eurasian doctrine promotes the idea of a multinational and multi Russia, the small peoples of Siberia, Far East, the Volga and North Caucasus accept Russian domination in exchange for compliance with their national traditions and maintain ethnic peace.

[8] The concept of "near abroad" was created by Boris Yeltsin in the early '90s to shape Russia's relations with its neighbors in the future.

[9] A sample quote: Gazprom wants to buy a majority stake in Serbian national oil company Naftna Srbije Industry (NIS). To make the most attractive offer, however, Gazprom has promised that, after acquisition will include Serbia South gas pipeline route that will link between Russia and the EU, via the Black Sea.

[10] The market position of the Russian concern "Gazprom" is reinforced by specific global gas market. Price of natural gas depends directly on global oil price, which is very sensitive not only to market makers, and political events. Gases are not as easily transportable as oil, which is necessary for extensive pipeline system, construction of which is expensive and takes a long time. Moreover, the Russian market for deposits is practically closed to foreign companies, and Gazprom has a monopoly on gas transportation networks throughout Russia. Therefore, even cheaper gas producers such as Turkmenistan and Kazakhstan are highly dependent on Gazprom, because they only routes available to them transit the Russian territory.

MEDIUM MAN AND HIS REGENERATE ENERGY

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Abstract

Medium man is a human being, which can be recorded and quantified official statistics, the average person reflecting specific behaviors of a person in general. Medium man is equipped with a medium force and energy, renewable lifetime of the person concerned, that can be quantified as an average single force and energy, human-specific and can be taken into account when making studies and man's research on renewable energy. Renewable energy characterizes the human environment force of man or man's power vital environment. After solar power, emanating from our planet with water geysers and thermal energy from biomass that after, the vital energy of man can be considered a strong form of renewable for on our planet, still insufficiently known, quantified and evaluated. The study has several models to showcase, respectively, to preserve human energy sources.

Keywords: *medium man, renewable human energy, vital force of man, man's power.*

INTRODUCTION

The purpose of this study is to clarify the concept somewhat more obsolete: the medium person, understood by the author as an entity bio-psycho-social and cultural backgrounds that reflect the characteristics typical of a person that lives in a certain space and time. The mean human environment sized features (as a mathematical average, median, etc.) that signs and indicators record specific activities of human beings, indices and indicators usually little or not at all inventoried in studies sociology or psychology.

Medium man is a human being, which can be recorded and quantified official statistics, the average person reflecting specific behaviors of a person in general. Medium man himself is not in conflict with others, prefers to remain anonymous but to his point of view, is the ineffable being that shines through its participation in the unseen problems. In our view, is as important as the man at the top or at the periphery of the economy, society and culture. Medium man is equipped with a medium force and energy, renewable lifetime of the person concerned, that can be quantified as an average single force and energy, human-specific and can be taken into account when making studies and man's research on renewable energy. Renewable energy characterizes the medium man.

I. BIO-PSYCHO-SOCIAL STRUCTURE OF THE HUMAN

In general, the human being is a complex of influences and bio-psycho-social factors. Norbert Sillamy defines a structure as a whole the parties is ordered together. In this sense, we speak as a building structure or organization (K. Goldstein) and the structure of a social group or behavior (M. Merleau-Ponty). The structure is one that gives all parties unity and their value is "form" single, and educated native elements that compose the organization. Order psychological structure factors pertaining to human personality, a person's conduct stable element which characterizes and distinguishes it from another person.

Each man has his peculiarities, which determines the personality of organized structure in question. Each man is also, like its peers, but also different from its unique structure, unrepeatable in space and time of his personality. In essence, man is a structured set of: provisions innate - transmitted by heredity, the economic and environmental conditionings of provisions acquired - transmitted through education, culture and traditions.

There are many types of human targets, due to specific conditions, economic, environmental and social characteristics of each company in which one operates. As such, there are different people in different types of economies in different environments, respectively, in different societies. Economy, environment and society decisively put their mark on the man, who inspires and stimulates them, thereby forming and changing it and himself. Man is thus the product economy, environment and society in which they live, and in turn, determines decisively influence the actions and ideas economy, environment and society which it is contemporary.

Medium man has feelings, beliefs, attitudes, respecting the general tradition and culture that is part or that of other peoples. *Medium man* is the most marginal ideas about what is happening and about what needs to happen in the universe. That's why he lost the habit and go to the ear. What good to listen to, if he has already answered all? If we follow the effects of public life and study the psychological structure of this type of man-table, we find the following: 1. innate and radical impression that life is easy, hearty, without limitation tragic, therefore, each *medium man* finds in himself a sense of dominance and triumph, which, 2. invite him to say as to proclaim the good and complete as his moral and intellectual heritage.^[1]

The idea of *social mass* is correspondent mathematical notion lot sociological, social group with many individuals. *Massa* is the body of people, *medium man*, but not in the sense of average group characteristics or components that crowd. *Medium man*, *mass medium* is the product of several centuries of civilization, so the uniformity of bio-characteristics of human individual and socio-psychological.

"*Massa* - Jose Ortega y Gasset^[2] write - is the *human environment* is common quality, which belongs to all and everyone, both man as he is not different from other people. Awareness of this compliance issue of concern was atomized man and makes him a *man of mass* "^[2]

Medium man has its own matrix, whose identity is established from the combination of biological factors (individual and environmental), with the psychic

(which I related to him individually) and social factors (related to his relationship with peers). *Medium man* has an *array of bio-psycho-social and cultural self*.

II. RENEWABLE ENERGY CAN BE CONVERTED IN THE HUMAN POWER

After solar power, emanating from our planet with water geysers and thermal energy from biomass that after, the *vital energy* of man can be considered a strong form of renewable energy on our planet, still insufficiently known, quantified and evaluated. Gives vital life *force energy* of a man, that that amount of features specific man who made it to occupy its place, well established in society. Imagine that this vital energy would be measured, quantified and used, aware of every citizen of the planet - and there are over 7 billion people on this Earth. What value would result in huge ... May imagine that the complex process of rest and sleep every day, every man shall restore the life force, continually, better or less well, throughout his life. However, this fact is of great value to the economy, where every citizen has an intake, especially during its active life (usually between 25-65 years, after school and before leaving the employment, retirement). Emerging economies - Brazil, Russia, India and especially China have managed to beat the different chapters, the economies of developed countries of the world, like USA, Japan and Germany, first by adding force their citizens first and last state emerging quote is actually the most populous on the planet. There is, as our knowledge of an index or other economic means of quantifying the influence of education on vital force of a man. We can consider that every day, through specific recovery processes, rebuild their man, the physiological needs and the vital force of needs. Like the Sun, like Earth's internal forces (evidenced by its thermal energy), energy from the combustion of plants, plant or animal waste, human vital energy force are unsuspected by their physical, mental, creative or subliminal, they contain. Except for man's physical strength, social and human sciences today take little account of studying these types of psychological forces, parapsychology, social, subliminal, that people have, each in a specific form and feature, unique to each individual and period of life of the individual forces strongly conditioned by education, tradition, culture, religion etc. All these forces are actually generating the respective forces of similar energy, renewable energy daily during the life of a man.

For electronic systems to store energy, says Dr. Loreto Mateu M. Saez is required near the source location (a source of ambient radiation, a vibrating source, a solar energy source, etc.). Tools available to supply electricity generated from the conversion of the human can be mobile or portable computer (laptop). The human body can be considered in this case as an energy storage, renewable obvious.

There are two ways of converting human energy into electricity: power can be gained from the daily actions of the user or can be created intentionally by the user. Arjen J. Jansen uses the term "human power" as shorthand for "human energy system that supplies various consumer products". Various researches have been made to highlight the different ways to provide electricity resulting from the conversion of human energy: a) the force exerted by body parts in the regular work; b) temperature variation of the human body; c) the resulting energy various chemical reactions of the human body. For example, the main objective of the

research group Energy System Staff (PES) from Delft University of Technology (Netherlands) was the conversion of muscle power exercised by people at work in electricity. Researchers have observed that the PES group activity exerted by human muscle power becomes active instead of passive power in most of the investigations.

Starner has also the power of man as a possible power source for portable computers. He examines the production of energy from respiration, body heat, blood transport, arm movement, typing or walking. The option to harvest energy resulting from daily human activity involves the development of techniques and discrete devices, depending on the type of human energy to be converted. Here are some examples of such techniques and devices.

III. RENEWABLE ENERGY CONSERVATION MODELS OF THE HUMAN ENVIRONMENT

In his dissertation, "Storing energy from human power passive", presented in January 2004, under the direction of Francesco Moll Echeto, Loreto Mateu Saez makes a review of renewable energy conservation patterns that allow the human being, models used, depending on the technological power and the ability of human knowledge that age, from antiquity to the present. Here are some contemporary designs that allow the use, storage, renewable energy storage and conservation of man:

3.1. Energy obtained by cycling

Bicycles - to name the most popular technical means of human travel - was invented in the nineteenth century in Europe⁵. The world population currently exists, especially in China, the world's most populous country, about one billion bicycles, which provides in many regions of these countries, sometimes in the heart of heavily populated cities, the main means of transport. The bike is also a very popular way of leisure, being adapted for use in many other areas of human activity, such as that of toys for children, fitness, military applications, courier services, and sports called cycling.

Today, cycling is becoming increasingly used as a means of transport and, therefore becomes a means of protecting the environment, the lack of any polluting effects on it. Form and basic configuration of the frame, wheels, pedals, seat and handlebars have suffered only minor changes in 1885, when it was built the first model of bicycle chain. Since then, many important details of construction of a bicycle was improved, particularly with the advent of modern materials and manufacturing computer-aided design. They have allowed the spread of special models for those who practice a particular type of cycling. Bike considerably influenced history, both cultural and in industry.

In the early years, bicycle construction drew on existing technologies, but lately bike to turn helped to develop the technologies, both old fields and in new ones. For example, there were various studies and research to reveal how it can be converted into electrical energy manpower, submitted for our ride just by pedaling.

Thus, by pedaling a bicycle, in a village in Laos, lack of energy, there was electricity running a personal computer. A Linux PC also send signals via a wireless connection to a relay station powered by solar energy. Power PC is via a car battery

charged by a person riding a bicycle fixed, 1 minute of pedaling power generated to operate about 5 minutes of your PC.

For about three decades, the company Windstream Power Systems Incorporated has designed and manufactured independent power systems, renewable energy using human! Windstream offers over 30 years so-called "human power generation." For example, human power generator, MKII can be cycled or turned by hand resulting in a current of about 125 watts to rot in cycling and 50 watts, enough to power neon lights more today, economic, if current product by turning by hand. It was created and a special bicycle, Bike Power, which is equipped with a generator, wheel bearings and friction, all mounted on a steel base, in order to generate an output of 100-300 watts^[3].

The company produced the devices named Nissho Aladdin power (Aladdin's power) or Stepcharger (Charger feet), which are powered by simple movements of the legs while walking a man, devices that can generate power up to 6 watts^[4]. Freeplay company developed also a similar product called Freecharge Portable Power Marine, who can work with solar and wind.

Fitness clubs are already imagined, machines that convert mechanical energy into electrical energy handled by people and which people could recharge while portable devices are moving. Was measured as 10 minutes of pedaling on a bicycle could generate 2 watts and could reload, therefore, a mobile phone^[5].

A special idea is charging a mobile phone via a device fitted to a bicycle, where with a click, the energy generated by the dynamo bicycle can charge the mobile phone of the cyclist. These bikes, equipped with dynamo used to charge a mobile phone are already commonplace.

3.2. Power stored in walking

Walking is considered one of ordinary human activities, which are associated with more energy^[6]. Piezoelectric materials, dielectric elastomers and rotation generators have been used to store energy resulting from walking by the MIT Media Laboratory. Piezoelectric effect was discovered by Jacques and Pierre Curie in 1880. Curie brothers discovered that certain materials subjected to mechanical forces, undergoes electric polarization, proportional to the force applied. Curie brothers have also found that these materials when exposed to an electric field undergoes a mechanical deformation. This effect is known as inverse piezoelectric effect.

Experts have already examined the electronic circuits to convert the electricity to the piezoelectric element in a stable output voltage. The first consists of a bridge circuit composed of diodes connected to the piezoelectric element to rectify the output voltage. Load is transferred to a tank capacitor charging once the voltage exceeds a certain value. At the time of the reservoir capacitor is connected to a linear regulator that provides a stable output voltage. The second circuit replaces the high-frequency switching regulator line to a point on another controller, in order to improve device efficiency. Piezoelectric energy source human walking has resulted in low frequency (approximately one cycle per second), high voltage (hundreds of volts produced), low current (in the order of 7-10 amps) and low-current pulse duty cycle.

Piezoelectric inserts have been imagined in ordinary shoes, which contain a power conditioning system from walking with these shoes. Controlling and regulating circuit is not activated until the tank capacitor voltage does not exceed a certain amount of tension. There is a power circuit in order to gather input voltage - a voltage sufficient to activate the circuit switches. Once the control circuit is activated, a switch working fine detector is detected input voltage when the input signal reaches the maximum voltage and switch off when a low voltage change. Electric converter efficiency is about 18%, and the system is able to continuously supply electricity while walking occurs the person concerned. English researcher, Trevor Baylis already upgrade the electric shoe capable of charging batteries of mobile phones to operate an MP3 or any portable device power supply stored in energy than walking. The prototype is described as a pair of desert boots, fitted with two small solar panels located in the toes, the sun still falling while walking during the day. A "sock" piezoelectric crystal is placed in the heel boots. Since January 2000, Trevor Baylis Americans John Barry James Monteith and filed a patent for their idea of recognition of electric shoe^[7]. Then, they founded the Electric Shoe Company (ESC), in partnership with Texon, producing annually more than 11 billion parts and accessories for footwear.

Two electric prototypes Baylis shoes were tested in an experiment conducted in Namibia in 2000. One of the prototypes was a pair of boots supplied piezoelectric. After several hours of walking boots are partially charged battery of a piezoelectric cell phone and he could have made phone calls with this energy. ESC is now working to create an electricity generator mounted in a shoe, but John Trevor Baylis is confident that the piezoelectric solution is best for lower costs and higher profitability. Currently, ESC is developing a new piezoelectric substance, in order to improve the piezoelectric material that generates very high voltages and currents of low intensity.

3.3. Energy resulting from the power of arm movement

From 1990 to present, the number of devices that use human energy resulting from arm movement is growing. Swiss watches, Maestro brand is a valid example in this respect. In 1992, Japanese company Seiko Kinetic product has launched, a wrist watch powered by a micro generator that converts the movement mechanism inside the clock electricity stored in a capacitor, while the hour hand that is worn by the user. As mentioned, the idea was not new, but improved technology Seiko^[8]. Average output power generated when the watch is worn on hand is 5 microwatts. After Seiko, Swatch Group launched another watch that is Self-energy mechanical force resulting from the processing of the human arm, the clock ETA Autoquartz Self.

Trevor Baylis, inventor of the English that I mentioned above, has prepared a Freeplay radio BayGen cheap that works with the energy obtained by turning a crank. BayGen Freeplay requires only a few calories mechanical human consumption to operate. If the user rotates the crank for 30 seconds, the energy store 30 minutes to listen to the radio. Free play radio continued to grow by adding a capacitor and then, of some tiny rechargeable batteries from solar panels. Another portable radio, powered by alternative energy system is Dynamo & Solar radio (D

& S), produced in China. It can be powered by batteries charged from a micro-solar panel or a dynamo hand loaded. Turning the handle to a moderate speed to produce a current of 25 mill amperes intensity and time of 11 hours can fully charge the battery device, while micro-solar panel can charge 0-5 mill amperes battery with a cloudy day or a maximum of 48 milliamps on a sunny day.

Freeplay, the company that created the radio BayGen, created and marketed, and other devices powered by the human arm movement: the new Freeplay radios with rechargeable batteries from solar panels. Freeplay has also produced three different models of radios Ashlight, arm movement that transforms energy into electrical energy via a rotation mechanism. 30 seconds of rotation of the hand produces an 8-minute radio operation Ashlights^[9]. A mobile phone charger that uses the energy of regular human arm is also available to consumers, it allows mobile phone users to make emergency calls and by using spinning mechanism that provides energy to produce 2-3 minutes of talk and several hours of "heightened energy independence" for each 45 seconds of spinning. All these products are composed of an alternator and a crank type high capacity rechargeable battery. Alternator efficiency is very high - about 75%.

Another company that offers products that are supplied with the power of human energy is Atkin Design and Development (AD & D). Their prototype is a Sony radio, which provides 1.5 hours of listening as a result of stored energy by spinning for 60 seconds. Another prototype of the company is a Motorola phone charger, which provides for 2 hours of "energy independence" and 10 minutes of talk time, obtained by turning the device for 60 seconds. AD & D work lamp provides 15 minutes of light spins following a mechanical device for 60 seconds, which can be used as fitting the radio and phone charger^[10].

Nissho Allandinpower hand is a device that works on a mechanism by turning a crank power. It produces 1.6 watts of power when the handle is turned 90 times per minute. The device is able to provide energy for general applications such as a phone or lighting a lamp, 1 minute drive of the device gives a minute, when a phone is a device powered by spin^[11]

3.4. Energy resulting from pressing the power key

JM Paradiso and his team presented a piezoelectric button that can transmit wireless digital identification code, using mechanical energy given by pressing a button, without the need for batteries. The generated code is broadcast through a transmitter. The transmitter converts mechanical energy action to send a signal to the receiver^[12].

MIT Media Laboratory has developed a piezoelectric generator with a yield of 7%. Mechanical energy conversion into electricity is through a device called piezoelectric skylight, which was developed by NASA and cosmonauts on the International Space Station.

Thus, the energy generated by typing on a laptop is not enough to continuously power a laptop, but can be used to recharge its secondary. A device with such properties has been patented by U.S. company Compaq in 1999, the device was invented by Adrian Crisan, an engineer by romanian origin from Compaq, which reduces the size batteries, making them last longer. Compaq has not yet commercial laptop to use this device. The resulting mechanical energy recovery

system consists of pressing each key attached magnet and coil around each magnet, each keystroke is triggering the recovery of energy, moving the magnet coil and causes a current that is stored in a pump the accumulated tension and thus provides energy to recharge the battery.

CONCLUSIONS

The presented devices are - most of them - in commercial use, confirm the numerous scientific and practical concerns of human renewable energy recovery.

We deem it necessary to increase these concerns - and practical study - quantification, registration and renewable energy storage of human environment, an amount of potential forces, still insufficiently known and used, encompassing renewable energy of each of the people living on the planet Terra.

We appreciate also that in Romania, Romanian Academy research institutes and research institutes of the Ministry of Research and Development can and should do more in renewable energy recovery human and applied field known enough of our country.

References

- [1] as a text published under the heading "Publications, reviews and annotations" on the book by Ortega y Gasset mass revolt on site [www.scientia.ro / homo humanus](http://www.scientia.ro/homo_humanus), visited on 16 December 2009, at 20.30
- [2] Jose Ortega y Gasset, *La revolte des masses*, Paris, Stock, 1961, p. 50
- [3] * * * Windstream Power Systems Inc., [Http://www.windstreampower.com](http://www.windstreampower.com) website, visited on June 17, 2011, at 8.23
- [4] cf. R.J. Kuipers, Engineering of human powered mp3 player, Graduation report, Delft University of Technology, Delft, 2003, p. 78
- [5] cf. T. Kazazian and A.J. Jansen, Eco-design and human-powered products, in Proceedings of the Electronics Goes Green 2004, 6-10 September 2004;
- [6] cf. T. Starner și J. Paradiso, *Human generated power for mobile electronics*, in Low-Power Electronics, CRC Press, chapter 45
- [7] J. Drake, *The greatest shoe on Earth*, în Wired, Issue 9, February 2001
- [8] cf. R. J. Kuipers, *Op. cit.* p. 80
- [9] cf. J. Drake, *Lucr. cit.*, p. 67
- [10] Atkin Design and Development Ltd., pe site-ul <http://www.windup-powerup.co.uk>, visit on 17 June 2011, time 8.56
- [11] cf. R. J. Kuipers, *Op. cit.* p. 84
- [12] J. Paradiso și M. Feldmeier, *A compact, wireless, self-powered pushbutton controller*, in Proceedings of Ubicomp 2001: Ubiquitous computing, September 2001, p. 89