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THE CONCEPT OF POWER
IN INTERNATIONAL RELATIONS

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The concept of power has long been debated by most academic fields, be it sociology, political science or international politics. The main goal of the political life, no matter if we talk about the national or international environment, has always been to pursue, gain and maintain the political power. In international relations, power is at the same time, an end in itself and a means of achieving other objectives.

Keywords: power; centre of power; balance of power; global power; niche power; emerging power; sources of power.

Power, as a concept, has great semantic amplitude, and is used for an extremely diverse area of the social, economic, military etc. situations. Most definitions have in common an actor's ability to exercise influence over another, and, in this respect, one of the most accurate definitions is the one given by Robert A. Dahl, who sees the power as "the ability to make others do what they otherwise would not do ", but this can only happen if that actor has the ability to do so, in other words if it has a potential. Traditionally, the power potential was estimated by adding human and economic resources, territory, the size and quality of military forces[1]. Thus, power is not an abstract notion, but a concrete, very dynamic and very complex concept. Sometimes, power means wealth and the ability to gain wealth, but some other times, power is only one vector. In fact, the power of states is a sum of vectors of power, an assembly of these.

The decisive factor for the dynamics of the contemporary international system determines states, as actors with a determining role, to rapidly react to

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[*] e-mail: *dorel_buse@yahoo.com*
[1] Teodor Frunzeti, Dorel Buşe, *Relaţii internaţionale*, "Carol I" National Defence University, Bucharest, 2011, p. 147.

changes, but especially to determine the desired content and direction through initiative and determination, according to their interests and possibilities. The concepts defining the dynamics of the state action and their effects are based on power, an engine that allows controlling others' will and actions.[2] Derived through developing the concept, the political power brings the psychological relationship example to state level, by shifting from brute force to threat by force, with specially designed for this purpose power tools. It rises above the military power by keeping the dominating psychological element as a threshold that ensures superiority by avoiding contact.[3] The history of international relations has shown, through multiple examples, that states have converted the power capital into various tools and actions with specific purposes, closely linked to their fundamental interests on the basis of the four distinctions of power mentioned by Hans Morgenthau[4].

The concept of power has long been debated by most fields, be it sociology, political science or international politics. The main goal of political life, no matter if we talk about the national or international environment, has always been to pursue, gain and maintain the political power. Hence, all political actors define their action strategy in relation with this main goal. In international relations, "power is, at the same time, an end in itself and a means of achieving other objectives."[5] As a consequence, the main actor of the international politics, which is the state, also has as its main purpose the gaining and amplification of power. Max Weber defined the concept of power as "the probability that one actor within a social relationship to be in a position to promote their own will despite resistance."[6] From the same perspective of viewing power as a state's ability to impose its will over another, Alvin Toffler believed that "power involves the use of violence, wealth and knowledge to make people act in a given direction."

Hence, Alvin Toffler, in his *Powershift: Knowledge, Wealth and Violence at the Edge of the 21st Century*, defined the concept of *centre of power* and characterized competitors in the new security environment edification process, taking into account the following vectors that project power at international level: the military potential, the economic and financial capabilities, scientific, technical and information potential available to them.

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[2] Hans J. Morgenthau, *Politica între naţiuni. Lupta pentru putere şi lupta pentru pace*, Polirom Publishing House, Bucharest, 2007, p. 68.

[3] *Ibidem*, p.69

[4] *Ibidem*, p. 72.

[5] Teodor Frunzeti, *Geostrategie*, Centrul Tehnic-Editorial al Armatei Publishing House, Bucharest, 2009, p. 31.

[6] Carlsnaes de Walter, Thomas Risse, Beth A. Simmons, *Handbook of international relations*, SAGE Publication, London, California, New Delhi, 2005, p. 180.

Moreover, there must be added the demographic potential, the territory, the geographic position and the neighbours, natural resources and, last but not least, the dynamism and the ability to make timely decisions and turn them into facts / actual actions, leading to the established end and with the vision of previous evolutions. Of course, the dynamism of a centre of power also includes other factors of which we mention the following: internal cohesion, main psychosocial characteristics, leaders' (civilian and military) personality and professionalism, the ideology of the ruling political forces, the involvement and reaction of the population and opinion makers in decision making, the principles and possibilities of media involvement / commitment, the degree of protection from pressure / external interferences, social, ethnic and religious homogeneity, self-confidence and the perception of others, etc..[7] Drawing upon the interpretation of history, we can easily notice how the international system was often the result of the actions of great European, and later, world powers. Thus, the birth of the modern state is the result of the convergence of European powers actions, which will initiate a system of power balance with which to stop the gain of power by hegemony. In the same way, the 19th century experiences a new attempt of the European powers to control the destructive effects of a state's use of power by adopting, in liberal spirit, the concept of *international governance*.

The 20th century is witness to the entry on the international stage of a political actor whose power would help shape the current international system, namely, the USA. Theoretically, the concept of power was ignored in the U.S. think-tanks from the beginning of the twentieth century. Thus, classical legalistic thinking that characterizes North America in this period emphasized the importance and ability of international institutions to regulate relations between states, without, of course, ignoring the existence of the conflict[8]. The representatives of this thought, like Elihu Root, and the American Secretaries of State of this period, Richard Olney and Philander Knox, did not consider the concept of power as essential to the study of international relations. Instead, they put emphasis on the international law ability to become a neutral and apolitical space for solving international disputes.[9] The experience of the League of Nations failure and the outbreak of World War II demonstrated the clear link between power, international law and state behaviour, a link that the classical legalism representatives had failed to notice. In this context, realism would place the

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[7] Vasile Paul, Ion Coşcodaru, *Centrele de putere ale lumii*, Social and Political Sciences Publishing House, Bucharest, 2003, p. 36.
[8] Richard H. Steinberg, Jonathan M. Zasloff, *Power and International Law*, in „The American Journal of International Law", Vol. 100, No.1, Jan. 2006, pp. 64-66.
[9] *Ibidem*, p. 67.

concept of power as essential for understanding states behaviour. Choosing the primacy of power and the necessity of coercion, realists consider the international legal frame to be just another place to continue national policies[10], because international law does nothing more than reflecting the interests of the powerful states, and the international system is only the result of the balancing of these centres of power.[11]

Thus the concept of power, in international relations, has gained a great theoretical importance with the release of the realist and, later, the neorealist thought. In order to understand the importance of power, Morgenthau used a psychological understanding of power, so that it was defined as the human ability to control the minds and actions of other people.[12] Designed in the political environment, for Morgenthau, power becomes "a psychological relationship between those who exercise it and those on which it is exercised".[13] Therefore, a strong relationship between those powerful states that succeed in pursuing their interests by exercising control over other countries is also established at international level. Also, Morgenthau mentions the necessity of distinguishing between the political power of a state or a leader and the ability to use physical violence.[14]

From the same perspective, Barry Buzan, in his *People, State, And Fear*, distinguishes between strong states and weak states, taking into consideration not only the military capacity, but also other factors such as economics or the socio-political cohesion degree.[15] In this respect, a state power is also the result of its ability to ensure the survival of individuals, of its values and interests.[16] The states interests, as Morgenthau mentions, is defined in terms of power so that the concept of power will become defining for international relations because it is causing all the mutual relations between states in the international system[17]. Thus, international relations are actually defined as power relations between the nation states of the international system.[18] Once with the inauguration of realism and the primacy of the concept of power, politics becomes a sphere independent of the economy, religion or other fields.[19] Consequently, the statesmen actions are

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[10] I*bidem*, p. 72.
[11] *Ibidem*, p. 73.
[12] Hans J. Morgenthau, *op. cit.*, p. 68.
[13] *Ibidem*, p. 68.
[14] *Ibidem*, p. 69.
[15] Barry Buzan, *Popoarele, statele şi teama – o agendă pentru studii de securitate internaţională în epoca de după Războiul Rece*, Cartier Publishing House, Chişinău, 2000, p. 106
[16] *Ibidem*, p. 14.
[17] Andrei Miroiu, Radu Sebastian Ungureanu (coord.), *Manual de relaţii internaţionale*, Polirom Publishing House, Bucharest, 2006, p. 101
[18] *Ibidem*, p. 101.
[19] *Ibidem*, p. 101.

guided by the need to maximize power, relating to other states,[20] in order to ensure the state security and survival, its values and interests.

A similar view that had long preceded the realist perception of state behaviour, was the one developed by Cardinal Richelieu, France's prime minister from 1624-1642, who elaborated an essential idea on politics that put the concept of *raison d'Etat* at the roots of every state action and that determined the evolution of the international system.[21] The state interest was promoted by the adoption of certain decisions aimed at maximizing the power in relation with the other states in the international system. Morgenthau puts the basis of this new paradigm, a basis that includes the six basic principles of realism. These principles place the nation-state at the roots of the international politics, which in turn is dominated by objective laws derived from the selfish and dominated by the desire for power human nature.[22] Hence, Morgenthau believes that states are involved, on the international politics stage, in a constant competition for power, taking into account, obviously, that not all actions taken on the international stage are political.[23]

Moreover, the realistic paradigm defines the relationship between states as being characterized by a power struggle to defend the interests, bringing states actions out of the moral sphere.[24] Those who followed to this paradigm, J. K. Waltz and Mearsheimer, were to put the basis of neorealism. If for Morgenthau and thinkers such as Th. Hobbes, Spinoza or J.J. Rousseau, the causes of war were motivated by the imperfect human nature dominated by the desire to seek power, for Waltz, the states system is subject to the adjusting effect of its structure.[25] Therefore, it is introduced the concept of *power structure,* that can be understood as a certain distribution of power within the international system at a given time. Both Waltz and Mearsheimer consider that the world of states is an anarchic one, in which they seek to survive, power becoming not an end in itself but a means of survival.[26] In what concerns the universal moral principles invoked to characterize the actions of states, Waltz argues a state leader has to choose between "behaving immorally in the international politics to defend the country and to get rid of the moral obligation to ensure the survival of the state, to pursue a preferred conduct in the international politics "[27]. Therefore, the leaders of a state are

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[20] *Ibidem*, p. 101.

[21] *Ibidem*, p. 21.

[22] *Ibidem*, p. 100.

[23] Hans J. Morgenthau, *op. cit.*, pp. 67-68.

[24] Andrei Miroiu, Radu Sebastian Ungureanu, *op. cit.*, p. 100.

[25] *Ibidem*, p. 128.

[26] *Ibidem*, p. 135.

[27] Kenneth Waltz, *Omul, statul şi războiul*, Institutul European Publishing House, Iaşi, 2001, p. 211.

entitled to act *immorally,* if these actions are necessary for ensuring the survival of the state.[28] But, if for Waltz, the anarchic structure of the system "encourages states to seek to maintain the balance of power,"[29] Mearsheimer's *offensive* neorealism argues that states, in their fight for survival, have the main advantage of the offensive military capability through which they maximize their power in relating to potential competitors[30]: "The greater the military advantage one state has over other states, the more secure it is."[31] Also, Mearsheimer considers that conflicts are more frequent in a multipolar world in which asymmetries of power are defining.[32] Moreover, Mearsheimer states that the international politics is a brutal stage on which "states are permanently involved in a fight for power, in which each state wants to become the most powerful, but also to prevent others to get a higher position."[33] Waltz believes that the international law is not a neutral and apolitical institution, but that, under the rule of power, it can be defined only by knowing the powerful states interests.[34]

The precursors of this structural realism, Jack Goldsmith and Eric Posner, abandon this sharp vision on the international system, adopting the idea that the international law results from the coincidence of the powerful states interests or from the exercise of the powerful states coercion.[35] The concept of power faces an important change in its approach with publication of Harold Lasswell and Abraham Kaplan's *Power and Society*[36]*,* in 1950, which transforms power from a resource to a relationship. Thus, defining power as a relationship, through this concept we understand an A actor's ability to modify, at least in part, the behaviour of a B actor.

The most important concept in international relations and an instrument vigorously promoted by the representatives of the realist paradigm is the *balance of power*. Although this concept was inaugurated with the Westphalian state system formation and officially recognized by the Peace of Utrecht (1713), we can identify its underlying principles starting with the antiquity - Thucydides having used these principles to explain the outbreak of the Peloponnesian War, and David Hume having written an essay on this

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[28] *Ibidem*, p. 216.
[29] Andrei Miroiu, Radu-Sebastian Ungureanu, *op. cit.*, p. 131.
[30] *Ibidem*.
[31] John Mearshiemer, *The False Promise of International Institutions*, in "International Security", Vol 19, No. 3, Winter 1994-1995, p. 12.
[32] Andrei Miroiu, Radu-Sebastian Ungureanu, *op.cit.*, p. 132.
[33] John Mearshiemer, *The False Promise of ...*, p. 9.
[34] Richard H. Steinberg, Jonathan M. Zasloff, *op. cit.*, p. 74.
[35] Ibidem, p. 75.
[36] Carlsnaes de Walter, Thomas Risse, Beth A. Simmons, *op. cit.*, p. 178.

theme in the eighteenth century, to be best encoded by the representatives of realism and neorealism[37]. Morgenthau defines the *balance of power* as a balance between forces that dominate the international system, and which, as in fields such as physics, biology, economics or political science, means "*stability in a system composed of several independent forces*"[38]. Morgenthau also defines two models of the balance of power behaviour, namely the model of direct opposition, where the balance results directly from the desire of each nation to impose its policies on the other, and the competition model, where the balance of power helps small nations to maintain their independence[39]. According to Hedly Bull, the balance of power is defined as a "state of facts in which no power is in a dominant position and cannot make the law for the others." [40] Consequently, the balance of power can be defined as an even distribution of power in the system. Apart from this perspective, the balance of power must be seen as equilibrium. Thus, the balance of power is not permanent and has a strong changing character, power being constantly redeployed within the international system[41]. Consequently, the balance of power, which is more an attribute of the international system, adapts to the changes that occur within the power structure in the system[42].

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[37] *Ibidem*, p. 182.

[38] Hans J. Morgenthau, *op. cit.*, p. 203.

[39] *Ibidem*, pp. 208-211.

[40] Hedly Bull, *op. cit.*, p. 93.

[41] Andrei Miroiu, Radu-Sebastian Ungureanu, *op. cit.*, p. 201.

[42] *Ibidem*, p. 201.

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BIOTERRORISM – PRESENT THREAT FOR SECURITY

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Terrorism is a war which is made in time of peace, a war without borders and without fronts, a war which is considered just by terrorist. Terrorism is a given fact, but, in the same time, a creation of human society and a creation of a thirsty man which is obsessed by power. What is unfair is that the terrorist activities of any kind affect the human being first. In order to achieve their goals, terrorists are waging a right battle from their point of view and make use of new weapons and technologies.

Such weapon is the biological weapon, an invisible weapon, which is highly effective and dangerous. Bioterrorists made these weapons without effort, in their rooms with minimal costs. The reality of today shows that the fear of biological weapons exceeds the one of nuclear war. Based on these aspects, the article aims to draw attention to an undeniable fact: bioterrorism is a present and serious threat for security.

Keywords: terrorism; bioterrorism; biological weapons; prevention; combat; security.

> *„Truth is a very powerful weapon against those who want to hide it."*
> Margaret Thatcher,
> the speech on December 3rd, 1998 held at the National Institute of Public Guardian in Washington DC

General Considerations Regarding the Biological Weapons

The threat of biological attack is considered to be the most frightening and alarming perspective for human security. The following lines are not intended to popularize these weapons, but only to highlight the series of questions that personally, I have addressed and correlated with the series of responses gathered from the literature I have used, meaning the fact that biological weapons have again become a significant concern for the security of all actors in the international system.

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What are biological weapons?

Biological weapons are weapons used intentionally to kill living organisms, and ranked on second place in terms of potential to produce mass casualties after nuclear weapons. These weapons are part of means of warfare which are generally non-discriminatory; their effects are manifested equally on fighters and military objectives, but also on civil population and civil supplies. Detailed, a biological weapon is a means or a device which produces the release of a biological agent, including the delivery of biological agents (such as some species of insects), with harmful or lethal effects to humans, animals, crops and environment.

Biological weapons and devices to disperse the pathogens can be classified as follows:[1]

- low-tech weapons: use toxic substances from the category classified as common pathogens and are used for the contamination of water sources and food (for example: the spread of Salmonella the biological agent in salad by Rajneehce terrorist group in order to determine a lower voting participation as voters in Oregon in the U.S.);

- high-tech weapons: are the ones used for dispersal of pathogens on large areas, usually in the form of aerosols;

- weapons developed on bio-scientific technology: allow major changes in the molecular structure of bacteria and viruses, for their use as biological weapons, often they are difficult to identify and treat.

Another classification[2] of the biological weapons has the basic chemical form from which are made. According to this, biological weapons are divided into three main groups[3]: microorganisms (bacteria and viruses pathogens); substances obtained by lab work (botulinum toxins, hormones and neuropeptides) and substances processed in a synthetic way that cause biological processes (neuroparalyzing gas, viruses obtained on synthetic ways).

What are pathogen agents?

Biological weapons include any organism (such as: bacteria, viruses or fungi) or toxins found in nature, which can be used to kill or injure.

The World Health Organization Guidelines for public health officials answer regarding the biological and chemical weapons pathogens detailing eleven clinical characteristics, incidence, occurrence and distribution sources,

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[1] Vasile Simileanu, *Asymmetric conflicts*, TOP FORM Publishing, Bucharest, 2011, p. 397.

[2] A further classification of biological weapons is made by Sergiu Fendrihan, Cătălin Lăzureanu, Cornelia Prioteasa, in *Bioterrorism*, Bioflux Publishing, Cluj-Napoca, 2011, pp. 41-44.

[3] Andrew Lloyd, Peter Mathews, *Bioterrorism, the scourge of the third millennium*, Hiparion Publishing, Cluj-Napoca, 2002, p. 107.

mode of transmission, incubation period, and impact on human security. According to this guide, pathogens are transmitted in three ways: through direct contact (from person to person, from animal to man, from mother to child), by indirect contact (drops, particles, food contamination, contamination of water sources) and deliberately, bioterrorism (eg. send an anthrax letter).

The pathogen agents are used as biological weapons and they can be grouped into three categories according to priorities for action and alert due to risk to public health, namely:

- category A agents: are considered very dangerous, causing high mortality, including bacteria that cause anthrax, botulism, tularemia, plague and smallpox and viruses that cause viral hemorrhagic fevers;
- category B agents: are on the second place such as biological risk, easy to spread, cause moderate morbidity and mortality, including pathogens that cause salmonellosis, cholera, brucellosis, viral encephalitis, glanders, melioidosis, Q fever, and toxins as ricin toxin and staphylococcal enterotoxin producing acute poisoning;
- category C agents: are easy to produce and spread, with a major impact on health and may be a subject to genetic modification to increase virulence; include Nipah virus and hantana.

When did they first use biological weapons?

Evidence of first use of biological weapons dates back to the 6th century B.C. when the Assyrians poisoned fountains with rye ergot. In the year 1346, the Tartar troops, in the siege of the city Kaffa (now Feodosia, Ukraine), have catapulted corpses over fortifications, causing an epidemic of plague, the same method was used by tsarist troops, in 1710, against the Swedish troops. In the 20th century begins the production of biological weapons in a scientific manner, first by Japan, in 1932 and by Britain in 1934. With the exception of the Japanese attacks on China, before and during the Second World War, these weapons were not used in modern warfare.

Interesting is the fact that, both U.S. and Soviet Union during the Cold War improved biological weapons' production programs. U.S. produced the following agents as biological weapons: Bacillus anthracis, Francisella tularenis toxin, Brucella suis, Venezuelan equine encephalitis virus, staphylococcus enterotoxin B and Coxiella burnetii. The Soviet Union had a own pathological list of agents that constitute effective bioweapons: smallpox, plague, anthrax, botulinum toxin, viruses, equine encephalitis, tularemia, Q fever, Marburg disease, melioidosis and typhus.[4]

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[4] US DoD, *NATO Handbook on the Medical Aspects of NBC Defensive Operations*, Washington: The Departament of Defence, 1996, p. 68 şi p. 69, apud. Marin Cruceru, Carmen Mureşan, *Bioterrorism and Pandemics major security risk in the twenty-first century*, TOPFORM Publishing, Bucharest, 2010, p. 142.

Why are biological weapons used?

Attacks with biological weapons have two purposes:

1.to produce an catastrophic effect on civilians, including in the structure and functioning of public health and health care.

2.to induce fear and terror among the population.

Who are the authors of these attacks and who is interested in using biological weapons?

The list is not too long; it contains only three categories of authors[5]:

• independent political organism: for example in the '50s, the independence movement in Kenya, called Mau Mau, planted toxins used to kill animals in order to decrease the confidence of local people in the British administration and encourage them to join the movement;

• secrets: for example, Rajneesh cult contaminated the salad in the bars from Oregon, in 1984, with Salmonella typhimurium, causing the illness of more than 700 people; the cult Aum Shinrikyo (Supreme Justice) used sarin gas in Tokyo subway in 1995, causing 12 people to die and another 5,000 to be intoxicated;

• individuals, called "*lone wolves*": an example of a lone wolf is Larry Wayne Harris, who tried to spread plague bacteria then anthrax in Las Vegas.

What are the characteristics of biological weapons?

The biological weapon is preferred because of the characteristics it has. It is a weapon that can be easily manufactured, concealed, transported, and used through a plurality of advantages: relatively low cost, technical equipment and biological materials within anyone's reach, multiple and complex information about pathogens, and very low, lethal effects. Terrorists have in mind that there is no treatment to cancel the effects of biological weapons. Raymond Zilinskas, a biologist at the University of Maryland (USA) and an important member in the commissions of control in Iraq, said that biological weapons were obtained by simple means: substances used for this type of weapons can be produced by an average skilled technical staff, using industrial equipment for the mundane (such as centrifuge or device used in dairy fermentation or pharmaceuticals), whose changes are minor.[6]

Pathogen agents can be easily transported in containers such as a pen cap and dispersed by any means. A specialist in the field says that a pathogen can be slipped into a country, using something ordinary as egg powder.[7]

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[5] Sergiu Fendrihan, Cătălin Lăzureanu, Cornelia Prioteasa, *Bioterrorism*, Bioflux Publishing, Cluj-Napoca, 2011, p.22.

[6] Andrew Lloyd, Peter Mathews, *op.cit.*, p.82.

[7] Vasile Simileanu, *op.cit.*, p.399.

Biological agents should obey certain *conditions*[8]: they consistently produce illness; have high virulence; show a reasonable period of incubation, respectively short for tactical attack and long for strategic attack; are stable during production and after release; are disseminated in several ways, using variables dissemination paths; are produced on an industrial scale; have an expected psychological impact; are difficult to diagnose and treat; are able to spread through secondary contamination; are able to infect many types of targets (such as humans and animals); may be protected before dissemination into the target population and before people have developed an immunity to them.

Biological weapons have disadvantages for those who produce them, disadvantages embodied in the difficulty to protect people working in production, frequency in occurrence of manufacturing defects and accidents, problems of storage substances and their release from target. To eliminate the disadvantages, Soviet specialists place biological weapons usable in the frozen nose tips of the missile (because the biological substances are very sensitive to light and heat), avoiding in this way, degradation of microorganisms by the heat released during the impact.[9]

Bioterrorism - a War of the Future?

Deliberate release of viruses, bacteria or other agents in order to sick or kill humans, animals or plants is called bioterrorism. Biological terrorism is not a recent invention; it has a history much longer than conventional weapons, since its use pre-dates the discovery of gunpowder. The first use of biological agents belongs to the Romans, who used dead animals to poison the enemies' water supplies.[10]

The objective of any bioterrorist attack is the terror, the terror induced to a large numbers of people, without discrimination (civilian or military, women, children etc.), aiming to demoralize the population and overuse medical resources. Biological agents can be used for individual assassination, due to the incapacity or death of thousands of people or environmental contamination.

The central place in these discussions of bioterrorism targeting organizational, logistical and ethical manner is held by medical intervention. Protection against biological weapons requires the establishment by those involved in these tasks (medical personal, especially, and people in general) of preventive measures to decrease their harmful action.

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[8] Sergiu Fendrihan, Cătălin Lăzureanu, Cornelia Prioteasa, *op.cit.*, pp. 38-39.
[9] Andrew Lloyd, Peter Mathews, *op.cit.*, p. 108.
[10] Marin Cruceru, Carmen Mureşan, *Bioterrorism and Pandemics major security risk in the twenty-first century*, TOPFORM Publishing, Bucharest, 2010, p. 132.

To achieve the objectives, terrorists may turn to different ways of using biological weapons, such as fruits[11], rats, water reservoirs infestation or infection with salmonella which are some of the methods commonly used by terrorists.

The risk of using biological weapons by terrorists is not yet removed. A study released by the U.S. National Defense University confirms that in the twentieth century, over 100 incidents took place involving expressions of interest to use biological agents, threats or attempts to obtain them. The Report Mapping the Global Future by the National Council for U.S. intelligence, says that "there it is certainly that will be a biological weapons attack by 2020. "[12]

Over time, have been adopted several laws to prohibit the use of biological weapons on international and national level.

The first order prohibiting biological war (and chemical war) capabilities was given in 1863, in the U.S., which provided that: "Any use of poisons for the infestation of water wells, food, weapons or other such items should be excluded from modern warfare."[13] Later, in 1874, the Brussels Declaration required to prohibit the pathogens and toxins as weapons.

Hague Convention of 1899, prohibited the use of poisons in any form. In 1925, the Geneva Protocol prohibited the use in fighting of pathogens, asphyxiating substances and toxic gases.

Opened for signature on 10th April 1972 in London, Moscow and Washington, *the Convention regarding the Prohibition of the Development, Production and Stockpiling of Biological and Toxin Weapons and their destruction (Biological and Toxin Weapons Convention - BTWC)* did not mean the liquidation threat of biological weapons. This Convention is considered the first universal disarmament treaty prohibiting the production and use of an entire category of weapons of mass destruction - bacteriological (biological) and toxin, and it is a key component for the overall disarmament and nonproliferation. BTWC entered into force on March 28th, 1975 and determined states to take measures for the implementation in national legislation and to act in a manner so that activities would not take place on national territory.

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[11] In 1944, japanese prince Mikasa released that in 1931 the japanese army tried to poison the members of the Leagues of Nations that examined the situation in Manciuria, which was occupied by Japan. Fruits which were injected with holera bacillus were served at an official dinner; luckily, the members of committee were not contaminated. Source: Andrew Lloyd, Peter Mathews, *op.cit.*, p.32.

[12] NIC, *Mapping the Global Future 2020*, Washington DC, 2005, p.33, apud. Marin Cruceru, Carmen Mureşan, *op.cit.*, p. 133.

[13] *Ibidem*, p. 29.

Romania signed the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological and Toxin Weapons and destruction on April 10th, 1972, and ratified by Decree no. 253 of July 6th, 1979, published in the Official Gazette of R.S. Romania no.57 of 7th July 1979, instruments of ratification were deposited with the July 25th, 1979.

A growing number of states have acceded to the BTWC, as follows: the number of Signatory States and became part reached 171, the States which have ratified or acceded to come to 155 (of which 16 countries have ratified the Convention), and a total of 23 countries did not sign the Convention (Andorra, Angola, Cameroon, Chad, Comoros, Cook Islands, Djibouti, Eritrea, Guinea, Israel, Kazakhstan, Kiribati, Marshall Islands, Mauritania, Micronesia (Federal States of), Mozambique, Namibia, Nauru, Niue, Samoa, Trinidad and Tobago, Tuvalu, Zambia).[14]

Although the number of signatory states increased, investigation carried out in 1995 shows that 17 countries were suspected of developing biological weapons were involved: Iran, Iraq, Libya, Syria, North Korea, Taiwan, Israel, Egypt, Vietnam, Laos, Cuba, Bulgaria, India, South Korea, South Africa, China and Russia.[15]

Of all regional efforts to strength regulations on combating bioterrorism can be mentioned: *EU Strategy against Proliferation of Weapons of Mass Destruction* (2003), stating that the Union will lead efforts to regulate trade in materials that can be used in the production of biological weapons; *the Green Book* concerns the preparation for biological threats (2007), which includes principles for bioterrorism in the EU, as well as standards and minimum requirements for the success of the program; the Directive no.2009/41/EC of the European Parliament, which regulates the use, handling and registration of genetically modified organisms in the EU etc.

Romanian national legislation on bioterrorism includes: State Council Decree no. 253 of 6th July 1979 on the ratification of the BTWC; OGU no.158/1999 regime on imports and exports, which regulates import and export of dual use; Law no.387/2003 on export control regime the dual-use goods and technologies; Law no.535/2004 on preventing and combating terrorism; Law no.92/2004 approving Romania's participation in the Australia Group for non-proliferation export controls for chemical and biological weapons; OGU no.44/2007 regarding the utilization in condition of isolation of organisms genetically modified for the approval of Law no.3/2008, OGU no.44/2007.

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[14] Source: http://www.ancex.ro/?pag=69, accessed on 5 January 2012, hour 11.40.
[15] Andrew Lloyd, Peter Mathews, *op.cit.*, p. 77.

Conclusions

In the entire world, at political, social, medical, media level bioterrorism is a frequently discussed topic. It still remains a *"subject little understood."*[16] Understandable reasons that motivate terrorists to use such weapons and kill innocent people still exist.

Toxicity and lethality, low cost and dirty methods that are used as biological weapons are preferred by terrorists. No matter the political reasons, the religious, ecological or other ideological objectives invoked by terrorists, bioterrorism induces terror and easily leads to panic and social discussions. In addition, the execution time from attack to the outbreak of disease decreases the chance for authorities to catch the attackers.

Bioterrorism remains a serious and current threat to the individual, national, regional, and international security. The evaluation of this threat is an appreciation of how biological agents can be bought and how may be spread.

I think we need to increase the popularization of the immediate measures that can be applied to reduce the effects of biological attacks. Because of this aspect, the international community's efforts must be one in accordance with the defense against terrorism.

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http://www.mae.ro/node/2018

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[16] Professor W. Seth Carus, director of the Center for the study of weapons of mass destruction of the U.S. National Defense University, supports this view; source: Marin Cruceru, Carmen Mureşan, *op.cit.*, p. 135.

MODEL FOR THE FAILURES ANALYSIS WITHIN THE LOGISTIC PLANNING MANAGEMENT

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The paper presents a model for the failures analysis as well as its application in a study case regarding the logistic planning management.

Keywords: reliability; logistic planning; maintenance.

Maintenance as part of the management of logistic support planning represents a combination of all technical, administrative and managerial actions during the life cycle of an item intended to retain it in, or restore it to a state in which it can perform the required function or combination of functions which are considered necessary to provide a given service.

This concept enables the following classification of the maintenance actions:

- actions oriented to retaining the technical and operational capabilities of a system;
- actions oriented to restoring the technical and operational capabilities of a system.

Retaining and restoring represent different types of actions which are objectified by the preventive and corrective maintenance. Based on these criteria, the European Union's standard for maintenance presents a series of maintenance types according to figure 1.
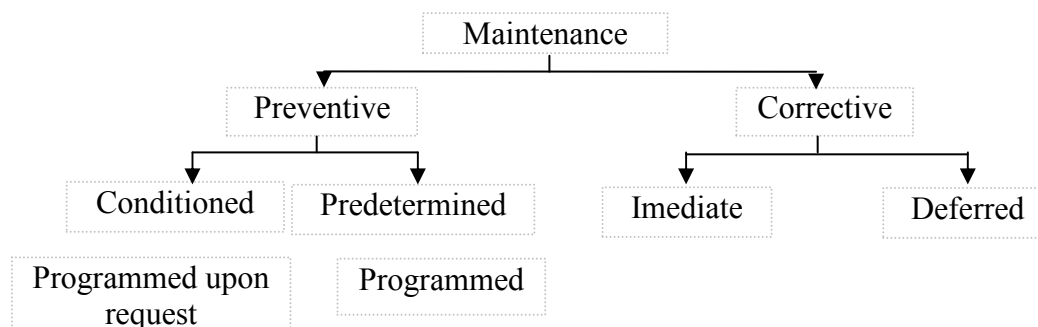
Fig. 1 *Maintenance types according to EN 13306: 2001*

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Basic Functions for the Failure Models

The followings basic functions will be taken into consideration regarding the systems/equipment failures:

Table 1

Values significance

Value	Significance
f(t)	Failure probability density function
F(t)	Failure probability distribution function
R(t)	Reliability function
λ(t)	Failure rate

The basic functions are given by

$$f(t) = R(t-1) - R(t),$$ 1)

$$\lambda(t) = f(t)/R(t-1)$$ 2)

$$F(t) = 1 - R(t),$$ 3)

Transforming previous basic functions of discrete time intervals into probability functions in continuous time, we can define them as follows:
- *R(t) is* the probability to function until time *t*.
- *λ(t)dt* is the failure probability in the interval [*t, t+dt*] assuming that the equipment functions until time *t*.

Thus [1]

$$\lambda(t)dt = f(t)dt/R(t)$$ 4)

where *f(t)dt* is the probability of failure in the interval [*t, t+dt*], with *f(t)* as failure probability density function.

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[1] Adolfo Crespo Márquez, *The Maintenance Management Framework*, Springer-Verlag London Limited, 2007.

The failure rate is given by:

$$\lambda(t) = f(t)/R(t) \tag{5}$$

Taking the integral in equation 1, in the interval $[0,t]$, the following will be obtained:

$$\int_0^t f(t)dt = 1 - R(t) \tag{6}$$

Taking derivatives in equation 6, we will obtain [2]:

$$f(t) = \frac{-dR(t)}{dt} \tag{7}$$

Replacing equation (7) in equation (5), the following is obtained:

$$-\lambda(t) = \frac{dR(t)}{dt}\frac{1}{R(t)} \tag{8}$$

Taking the integral in equation (8) it is obtained:

$$-\int_0^t \lambda(t)dt = \int_1^{R(t)} \frac{dR(t)}{R(t)} \tag{9}$$

The integration limits of the failure rate are between 0 and t, while $1/R(t)$ is integrated with respect to $R(t)$, and therefore when $t=0$, $R(t)=1$, and in t the reliability is $R(t)$.

Taking the integral in equation 9 it is obtained:

$$-\int_0^t \lambda(t)dt = \ln R(t) \Big|_1^{R(t)} = \ln R(t) - \ln 1 = \ln R(t) \tag{10}$$

Thus [3]

$$R(t) = \exp\left\{-\int_0^t \lambda(t)dt\right\} \tag{11}$$

In case we have a constant failure rate over time, *i.e.* the failure has a totally random behavior, given by:

$$R(t) = e^{-\lambda t} \tag{12}$$

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[2] *Ibidem*
[3] *Idem.*

Study Case

Input Data

A logistic support structure deployed within a theatre of operations, conduct missions with five identical trucks purchased at the same date and entered into the inventory at the same date. After approximately 10 months the failures analyses of the trucks is conducted. It was observed that some rubber components belonging to the engine had a significant number of failures. These are presented in table 2.

Table 2

Rubber components failures

Month	Truck 1	Truck 2	Truck 3	Truck 4	Truck 5
1		Failure		Failure	
2			Failure	Failure	
3					Failure
4	Failure	Failure		Failure	Failure
5			Failure		
6			Failure		
7	Failure		Failure		
8		Failure		Failure	Failure
9					
10	Failure	Failure			

Output Data

Based on the failure model basic function, the reliability level of the rubber components belonging to the trucks engines of the logistic support structure will be assessed.

The following flow will be applied:

- assessment of the failure probability distribution/function;
- assessment of the failure rate for the rubber components;
- graphic representation of the failure model basic functions.

The estimations resulted regarding the failure probability distribution function as well as the failure rate for the rubber components is shown in table 3. The results belonging the table 3 were obtained based on the data from the table 4. Table 4 is obtained form table 2 by grouping the failures from the data base according to the estimated life time of the rubber components. In this study case, according to the producer recommendations, the rubber components could be in the followings situations:

- Period 1: functioning reserve is 90%;
- Period 2: functioning reserve is 70%;
- Period 3: functioning reserve is 50%;
- Period 4: functioning reserve is 30%.

The distribution of rubber components over these time periods is made according to the number of functioning hours registered in the technical documents of the trucks.

Table 3

Obtaining the basic functions values

Life time period of the rubber components	f(t)	F(t)	R(t)=1-F(t)	λ(t)= f(t)/R(t-1)
Period 1	6/18=1/3	1/3	12/18=2/3	1/3
Period 2	3/18=1/6	1/2	9/18=1/2	1/4
Period 3	5/18	7/9	4/18=2/9	5/9
Period 4	4/18=2/9	1	0	1

Table 4

**The number of the failures/truck
during the life time**

The number of the failures/truck during the life time. Assumption: there is the same type of failure cause						
Life time period of the rubber components	Truck 1	Truck 2	Truck 3	Truck 4	Truck 5	Total
Period 1		1	2	2	1	6
Period 2		1	1	1		3
Period 3	2	1	1		1	5
Period 4	1	1		1	1	4
						18

The details for the *F(t)* calculus (according the data from table 2) are shown within the table 5.

Table 5

F(t) calculus

	Period 1	*Period 2*	*Period 3*	*Period 4*
Failures number	6	3	5	4
Cumulated failures number	6	9	14	18
F(t)	6/18=1/3	9/18=1/2	14/18=7/9	18/18=1

According to the data presented in the table 3, Figure 1 contains the graphic presentation of the functions $f(t)$, $F(t)$, $R(t)$, $\lambda(t)$.
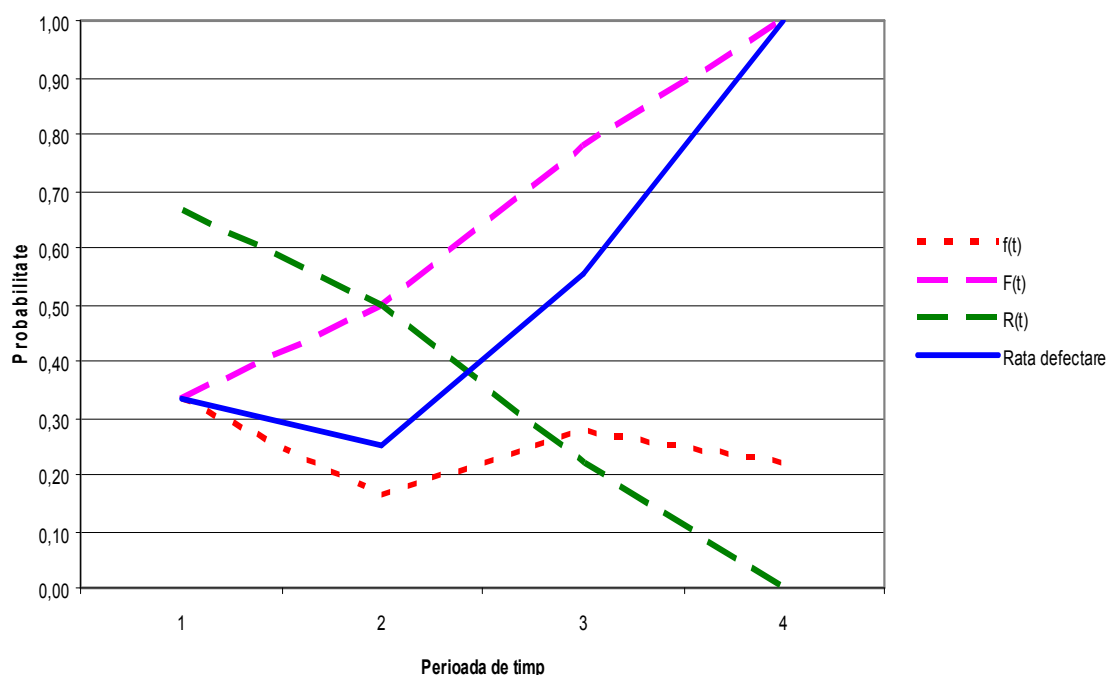
Fig. 2 *Failure model basic functions*

Resulted Interpretation

According the calculus made and graphic presentation in figure 2 the followings were identified:

1. The value of failure probability distribution function, *F(t),* is high due to the predominance of the rubber components belonging to the 3rd and 4th period which are at the limit of normal functioning cycle.

2. The reliability of the rubber components, *R(t)*, is extremely low which is confirmed by the above mentioned observation.

3. The failure rate, $\lambda(t)$, at the rubber components level is high which represents a confirmation for the values obtained for $F(t)$ and $R(t)$.

Conclusions

The study case emphasized the utility of the basic function of the failure model within the logistic planning management. These enable a precise identification of the subsystem/components which could influence the level of the complex technical systems reliability as well as their operational status. In the current budgetary constraints, it could constitute an efficient support in order to justify the maintaining/discontinuing of a technical system.

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THE MILITARY RESPONSE
UP TO THE CREATION OF THE ALLIED FORCE

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Unlike the past wars, the modern military conflict is characterized by the fact that its most powerful point may be situated in the initial period. That is why, when the initial objectives are not achieved, you may get to a prolonged state of war and military engagement, to higher human and materiel costs and to unwished consequences for the Romanian state and violent and decisive military confrontations; thus, the military structure should be properly designed for such a situation.

As a NATO and UE member, our country enjoys favorable conditions for a long lasting social and economic development, for an active participation to actions of peace and security in some regions and in the world, for efficient countermeasures against both classical risks and threatens and non-symmetrical ones. In the same time, this state represents the Romanian promise to respect the principles of the international organizations, to share both risks and responsibilities and advantages of the mutual defense, to achieve national security objectives by mutual efforts.

Even in the conditions of the membership of this security architecture, the Romanian authorities have the responsibility for the national defense. Therefore, it is likely that, in a situation of an unpredictable geo-strategic evolution, the application of clauses referring to the mutual defense of the country be slightly delayed due to the necessary period for the activation of political mechanisms, of military decisional mechanisms up to the creation of

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allied forces and to the necessary period for the deployment in the theatre of operation on Romanian soil.

Having been already known in the frame of the instruments belonging to the general theory of military arts, the notion "the initial period of the military conflict" has own elements which make the difference among the other conflict stages, but it does not involve a certain period and content as these elements are different from case to case. Different terms are used in the studies to name the beginning period of the military conflict: tension, crisis, initial, gradual response, each of them trying to show the same thing, namely the specific note of the conflict at the beginning. We use the term "the beginning of conflict" to underline the contents of measures, activities and missions developed on political, diplomatic, informational, economic, military and psychological levels leading to a proper Romanian response.

The beginning of an eventual military conflict against the national soil would probably try to paralyze the national defense system and population will, morale, conscience and material support by wide non-symmetrical military actions (technical engagement vectors in the informational era) leading to bad consequences for the behavior and decision of the highest levels of the Romanian state in the same time with a subtle cover of the aggression. This initial step would be followed by all kind of challenges, demonstrations of violence and force, shocking terrorist actions and rapid military actions.

Medium and long term plans referring to the Romanian military structure, in case of a proper financial support, will give the military conflict a modern physiognomy beginning with the first moments of the engagement of the national defense system forces required by NATO and other treaties.

In the case of the classical game, the military conflict was developed following a screenplay known by all parties, relatively easy to be anticipated in its main parts and stages and mainly conducted in that way. In the frame of fight and operation, the art meant to achieve force and material superiority in key moments and points to cause heaviest damages to the enemy in order to take over the initiative in the military theatre and maintain it as long as possible. Therefore, the enemy was not allowed to recover and re-balance the situation and the objective of the conflict was eventually achieved.

The modification of the image of the battlefield referring to the military conflict in the informational era, supported by strategies using forces equipped with modern means and technologies, give the beginning of the military defense of the national soil the image of a military conflict defined by: three dimensions, transparency, dynamics, pulsed features, multi-directions, automation and digitalization; classical lines, uniformity in lanes, lines, regions, depths, etc are not present any more[1].

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[1] *Military Science Manual*, book 1, Military House, Bucharest, 2001, p. 290

The modern character of the military conflict, at different levels in the frame of the initial phase of the national defense is to be assured by a modern military structure, whose evolving tendencies underline the decrease of active military forces, weapons and technologies of all types that should be balanced by the increase of the quality of personnel and technologies, separating operational and administrative departments of the commands, avoiding major differences between the training of operational commands and territorial ones; in the same time, there should be created modular military structures in which the tactical unit is the basic element of action; the mobility and capacity of reaction of active military forces are to be increased and a valid system should be applied to gather active forces and generate reserve ones; the structures are to be equipped with modern technologies in which the units of weapons and technologies used for research-fighting, automated leading and increased power should increase the national units strength.

This type of military structure is necessary taking into consideration that in the national defense in an allied context or in the absence of it non-linear, atypical, non-symmetrical actions, based on effects are to be used; the action against the aggression takes place in all environments, on all the components of the devices by joined and combined operations; this fact increases the role of surgical, selective actions, executed by mobile groups leading to maximal results as a consequence of rapid operations.

Therefore, in most cases, the military conflict in this stage has operative or even tactical character, but its effects get important strategic connotations. The Romanian military response actions in the initial stage of the conflict start by a strong, flexible strike in which the forces activated in the crisis (tension) stage achieve strategic security of the directions (areas) in danger, and the beginning of the imminent danger stage (in fact, measures needed by the initial engagement) represents the development and deployment of area forces in case of crisis. Thus, the strategic actions in this stage look like selective actions, on sequences moments, in which the groups react on directions or on some points in the area. The main conflict area is represented by the strategic security area, but there are also actions and sites in the main resistance area or in the maneuver one in the frame of the theatre of operations.

A modern vision of the aggression would try to destroy the research and antiaircraft system, annihilate active military capacities, paralyze the command, diminish the capacity of generating forces and support resources and is to be responded by a proper strategy monitoring the space of strategic and reaction interest for the enemy informational and psychological warfare, protecting forces and reaction capacities both during deployment and withdrawal, sequence and selective strikes on enemy fighting vectors and

command systems, absorbing and decreasing the violence of the enemy first strikes, temporizing its actions, activating large units in the frame of the main defense forces, starting selective generation of reserve units.

The enemy air, land and naval strikes, along with diversion operations, require the action of operational forces in time of peace which are not involved in theaters of operations outside the national soil. Their main strategic role is to discourage enemies in time of peace and crisis, and in the initial stage of the military conflict they give a strong, active response all over the theater of operations aiming to: forbid rapid intervention forces entrance or their annihilation in case of entering any of theaters of operations (directions) on national soil; destroy air-mobile forces or paratroops used by the enemy in the initial stage of the military conflict; prepare and protect some strategic areas (sites, objectives, lines) on national soil; assure the activation of the main forces and the generation of reserve forces; prevent the strikes of diversion and/or separatist groups; isolate, block and neutralize diversion-terrorist groups; assure the stability and democracy in some areas of the country; execute demonstrative discouraging actions.

In conclusion, we can say that the role of these forces in the initial stage of the national defense is that of mobile response and maneuver control.

The real military engagement would probably have the aspect of some joined land, air and naval operations, according to the situation, developed on main objectives and missions, on a wide area along with some actions meant to maintain, assure and re-establish public and constitutional order. The general aim of the reaction in the initial stage of the military conflict decided by the Romanian political-military command (military, political-diplomatic, economic, informational, psychological reactions) is to annihilate the aggression and impose a state of peace or, at least, to assure the necessary space and time for the creation and action of the allied Force as a countermeasure to the first enemy operation which attempts to rapidly defeat Romanian forces.

Unlike the past wars, the modern military conflict is characterized by the fact that its most powerful point may be situated in the initial period. That is why, when the initial objectives are not achieved, you may get to a prolonged state of war and military engagement, to higher human and materiel costs and to unwished consequences for the Romanian state and violent and decisive military confrontations; thus, the military structure should be properly designed for such a situation.

Our conclusion leads to the fact that the initial stage of the military defense of the national soil when the activation of clauses stipulated in art. 5 of Washington Treaty is operated after the strike of aggression may be considered the most difficult for the Romanian state in case of a military aggression. The

first strikes, usually the most violent, are to be absorbed hardly by the political-military decision structures and they can have, if unexpected, bad consequences which are difficult to be foreseen. Better studied and properly prepared, the military response given by a modern military structure has, in our opinion, a decisive role for the success of the military conflict.

In a situation in which the aggression overpasses Romanian capacity to manage the problems by itself, according to the provisions of art. 5 of the Treaty and developing established stages and procedures, the mutual defense strategy is to be applied. By passing from the defense using own forces to the mutual defense a new aspect is applied on operations rising new complex problems connected with the political decision of the Alliance, the political decision of its members, the military decision, the operations plans, the deployment of its force group, the establishment of responsibility areas, the relationships of the foreign military structures with the administration and population in the areas of operations, the problems of command at the strategic and operational levels, the logistic problems, the relationship between forces and civilians and many others.

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SECURITY SECTOR REFORM - AN INTEGRAL PART OF POST-CONFLICT RECONSTRUCTION

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"Conflict is part of human nature, is part of human life, and man is essentially a creature of conflicting interests. Human history is strewn with a wide range of conflicts, from the economic to the military, depending on the growth and decay of tribes, nations, empires and cultures. Some entities have initiated and engaged in attacking conflict to destabilize, control or conquer, while others did so to defend themselves. War, military campaigns and naval battles, fighting, insurrection, guerrilla, terrorism and other conflicts is a constant period of contemporary events. Moreover, various forms of military conflict held daily forefront so often that periods of peace can be considered notable exceptions to normal running of international relations."[1]

Keywords: conflict; post-conflict; operations; reconstruction; stability.

According to the National Security Strategy, national security means "prerequisite for the existence of the nation and the Romanian state, it has as its reference values, interests and national objectives. National security is a right that stems from people's full sovereignty, is based on order and is rendered in the context of regional, NATO and global security."[2]

A credible national defense, which has chilling effect on potential adversaries and allies by one of evaluation can be achieved given that we have political leadership at home and respected abroad, skillful diplomacy in support of national interest, a strong economy and performance, a high standard of living, political stability and social peace, an army well equipped and trained.[3]

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[1] Lieutenant General Professor Teodor Frunzeti, PhD, *Contemporary conflicts. New perspectives of conflict armed*, Scientific Session – U.N.Ap., Bucharest, 2010.

[2] National Security Strategy of Romania, Bucharest, 2007, http://www.presidency.ro;

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The concept of security system reform (SSR) started to be used in the 2000s to describe the transformation of the security sector in central and southeast Europe, in order to make them more efficient and responsible in a democratic system.[4]

The concept of security sector reform has no clear definition. Democratic Control of Armed Forces Center (DECAF) in Geneva, coordinator of an empirical study on security sector reform in Southeastern Europe, the Partnership for Peace, established several features and objectives which must be included into the reform: it is initiated by political leaders in accordance with democratic principles, its starting point is the extended vision of security, it covers all national security institutions, it is a lengthy process and focuses heavily on structures and human resources.[5]

Overall, security sector reform refers to many aspects of security sector as well, arms reduction, restructuring the armed forces, professionalisation of the military, introducing mechanisms of democratic control over armed forces, violence management, and restructuring the intelligence services, police, gendarmes and border troops, but also the judiciary and criminal systems.

Restoring security involves having a national security state, secure borders and agreements with neighboring states. Of the three factors required to achieve a state of stability and reconstruction, internal security is the most important and often the most difficult to achieve.

Security sector includes individuals and institutions responsible for the safety and security of the host nation and its people. Generally, this includes military, national and local police, judiciary and correction system (prison), police forces and coastal border, supervisors, private security forces and state security companies.[6] The functioning of the security sector is the cornerstone of legitimate and effective governance and of the long-term development of any state.

Security sector reform is a set of policies, plans, programs and activities that the government undertakes in order to improve the ways to provide safety, security and to meet the needs of the population.

Security sector reform aims to provide effective and legitimate public services, to be transparent, accountable to civil authority and to meet the needs of the population. This may include activities supporting integrated defense and armed forces' reform, civilian oversight and management, police

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[4] Marian Zulean, *Military and Society: civil-military relations at the beginning of the third millennium*, Military Publishing House, Bucharest, 2008;

[5] *Ibidem.*

[6] *FM 3-07*, Stability Operations, Headquarters Departament of the Army, 6 October 2008, chapter 6.

reform, justice, information, adoption of a national security strategy, disarmament, demobilization and reintegration of warring forces, while reducing armed violence.

Security sector reform (SSR) can strengthen diplomacy and defense of borders, while reducing long-term security threats, helping to build a stable, prosperous and peaceful society.

Security sector reform facilitates cooperation with other countries, state capacity building activities in all areas and engaging in stability operations. Finally, security sector reform is based on the tradition of nations to work in partnership with foreign governments and international organizations to effectively support good governance, peace and security.

Security sector reform involves the rehabilitation and reform of key institutions and ministries that can maintain and provide safety and security for people outside that State. Through unified action, all individuals and state institutions effectively assume the role of legitimacy and responsibility, bringing external and internal security for all citizens, under civilian control and the legitimate authority of the state.

An effective security sector reform allows a state to build capacity to provide security and justice. The reform of the security field generates stability; reform favors all areas and allows economic development. The result envisaged by the programs of security sector reform, is that security sector becomes legitimate and deeply rooted in the rule of law.

Security sector reform includes reform efforts aimed at individuals and institutions that ensure the security of a nation, and promotes and strengthens the rule of law. By recognizing the inherent interdependence of the areas of security sector reform and by operational integration with institutional and governance, the security sector reform, promotes effective security, legitimacy, transparency and justice with security responsibility. Security sector reform fully captures a range of security activities under the umbrella of a large single coherent framework. This covers the military and police forces training, disarmament, demobilization and reintegration of former combatants and the supervision and financial support of security sector reform.

All security sector reform programs are based on the understanding that good governance - the efficient, equitable, accountable, transparent, effective management of civil services and resources – is necessary for the rule of law and for the establishment of an effective security sector. Sustainable governance of the security sector extends the concept of civilian surveillance and control, including administration and management of the developed policies.

Security sector consists of militarized forces - army and police - civilian agencies and organizations operating at different levels within the operational

environment. Interdependent elements are functioning in the security sector, so that the work of any actor significantly affects the other elements.

The four basic elements of the security sector are:[7]

- The state security providers;
- Government security management and surveillance organisms;
- Non-state security providers;
- Civil society.

Security providers are those organizations authorized by the State to use force and to support its use. These include active armed forces, civil agencies, welfare services, police, military and civilian intelligence services, border and coastal police, customs, civil defense units, national guards and other paramilitary organizations.

Security management governance and surveillance organizations are the formal and informal organisms authorized by the state to manage and supervise the activities of government and armed security forces including public agencies. These may include (but are not limited to) the executive, Ministries of Defense, Interior, Justice and Foreign affairs, the judiciary and approved bodies to advise and coordinate an national security, the legislative branch its committees, traditional authorities and customary security, Ministry of Finance and other financial management bodies, local government structures. The latter includes governors, municipal councils, bodies and audit committees of public complaints.[8]

The basic element of the security sector consists of *civil society and other non-state actors*.

Society is made up of professional organizations, government policy analyses, human rights commissions, traditional justice systems, NGOs, media and other non-state actors. In addition to these actors monitoring the security field, the civil society is connected to public security and safety requirements. In some cases where government capacity is limited to host nation, civil society and other non-state actors fill the security gap by providing a degree of security and justice in the local community.

Non-state security providers are providers of justice and security. These suppliers include a wide range of actors with varying degrees of legitimacy and legal status. However, these non-state actors and illicit power structures can lead to violations of human rights. Sometimes, they facilitate connections between the public and private inadequate security and political parties, state agencies, paramilitary organizations and organized crime.

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[7] *Ibidem.*

[8] *Idem.*

Security sector reform may occur at any time in the entire spectrum of conflict, under circumstances that vary up to general peace, after carrying out major operations. Regardless of the circumstances, the security sector reform is focused on creating the prerequisites for stability of the host nation and not the creation of crisis and conflict.

In the entire spectrum of operations, security sector reform is an aspect of stability operations. It includes tasks, functions and activities from each field of activity. It focuses on generating capacity needed by the state and social institutions to support responsible governance and the rule of law.[9]

In general, military forces must play a leading role in security sector reform affecting the armed forces and defense institutions of the host nation. In other fields of the security sector, military forces are usually limited to a supporting role for other actors of the reform. However, military forces may assume a more active role in security reform activities affecting non-military elements of the security sector. Finally, environmental conditions determine the role of military forces operating in the security sector reform activities.[10]

If the operating environment is hostile, military forces are likely to become the leaders of the reform efforts.

When conditions allow other actors of security sector reform to assume primary responsibility within their role, military forces can give up their leading position in reforming these activities. Initially, the presence of non-military partners of the reform may be limited, and in this case it is necessary for military forces to assume responsibility together with other agencies or partners with civilians. Even when security sector reform actors are present, the nature of the security environment may require the presence of military forces to support the work of non-military actors and to take over some of their tasks. Many civilian agencies need a secure environment before assuming the responsibility of reform elements. In some cases, military forces establish safe areas they can control, so that elements of the security sector may become active. The military role is essential to establish conditions enabling the subsequent efforts of the civil partners of security sector reform.

If the operating environment is more permissive and more adequate to introduce non-military partners of security sector reform, the reform efforts can focus on all the activities of the security sector reform. These activities include the transition from host nation support to external responsibility by the public security and safety. In these circumstances, security sector reform activities can also be shifted to the host nation institutions, groups and government sectors as part of the peace process. When the transition is

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[9] *Idem.*

[10] *Idem.*

complete, military rule is removed and civilian agencies and organizations come to the forefront. They work in areas where military do not have expertise and leave them to focus on the defense of the host nation. Situation often requires the disarmament, demobilization and reintegration of armed forces personnel associated with warring groups before and as part of security sector reform.

Military forces must assume a leading role in disarmament and as the operational situation and environmental conditions permit, the military can begin the process of formation and training of host nation military forces, over a comprehensive reform program. During this program, they validate the military capabilities of host nation military forces, and begin to assume responsibility for security of the country and carry out military operations.[11]

Finally, external military support in the execution of military operations and surveillance of host nation military forces are reduced and civil authorities assume full responsibility for the security sector functions.

Stability operations are trying to strengthen the legitimacy of the host nation government, while efforts should focus on security sector reform. Host nation institutions, laws and processes, whatever their level of development may be, must play a leading role in implementing security sector reform programs. External influences have to make their presence felt on security sector reform policies, especially if the host nation's governance performance is weak. However, we believe that security sector reform program planners should pay attention to the integration planning and implementation of government reform.

Participants in the security sector reform of a state help to develop programs using their own policy and mechanisms for implementing them. For example, the United Nations (UN) Security Council resolutions established mandates for peacekeeping missions. Guidelines of national political system, national legal system, national legislation and bilateral treaties and multilateral agreements provide the framework for action and the participation of host nation's military forces in the reform.

In order to have the desired results of the security sector reform, detail planning of all activities should be carried out and assessments should be made within the standards achieved. The success of reform depends, at the same time, on international security forces working with all actors involved in national and state political and on cultural context of the subject of reform. Therefore, the security sector reform plan should take into account the culture and sensitivities of the host nation and its security culture. However, in our

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[11] *Idem.*

opinion, a model of reform, even the Western one, can not be perfectly true for another country whatever it may be, without taking into account political traditions, culture and religion of the state subject to reform.

Such a plan should seek to resolve problems that led to the conflict and at the same time prevent other sources of insecurity and the escalation of future crises.

Host nation's level of development, especially related to poverty and economic opportunities is a very important element to consider when planning security sector reform. High levels of poverty and corruption challenges significantly reduce the security sector reform efforts. These factors, both individual and the government are usually highlighted by inadequate government revenues and insufficient resources in the public sector and security sector reform programs must be adapted to the challenges of these environments.

The security sector reform programs confronted with corruption in the public sector can be implemented due to capacity limitations of government management. External financial resources to support elements of the security sector, including military institutions are required to obtain local authorities' capacity to financially support these activities of the security sector reform.

Ideal Security reform plan must accommodate the policy of defense and security strategy of the host nation. However, in countries without stable institutions, only the legitimate government institutions can develop policies and strategies for implementing mature reform plan. Final state which must be reached through the application of security sector reform plan is operating a security device suitable for the needs of the state and its people.

Security sector reform requires unity of effort and common vision among the agencies, organizations, institutions and forces that contribute to the reform process and must have a comprehensive reform of all elements by all stakeholders in the reformation process. Security sector reform is a set of cooperative activities undertaken by the host nation with other agencies of other states, intergovernmental organizations, NGOs and multinational partners.

Integrated programs that are taken into account in relations between organizations and stakeholders increase the likelihood of success, minimize unforeseen developments and ensure the most effective use of resources at their disposal, using a set of six principles to guide the reformation process.

These principles are:[12]

a - host nation support property;

b - good governance and human rights;

c - balance between operational support and institutional reform;

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[12] *Idem.*

d - close link between security and justice;

e - transparency;

f - not causing harm.

a - *support the host nation's ownership*. Principles, policies and laws to achieve a program of security sector reform must be based on cultural and historical traditions of the host nation, and the legal framework for operation of state institutions. In general, the needs, priorities and circumstances for conducting such a program differ from one country to another. One such program is designed to assist local authorities and civil reforms priorities tin ensuring the sustainability of reform.

Final responsibility for the success of reform lies with the host nation. Commanders must comply with host nation authorities' opinions and interpretations on perceptions of security architecture, which must take into account its security threats and needs. The essence of security sector reform programs must result from social, political and economic structures of its host nation. Only through constructive engagement of host nation leaders will ensure that the forces and capabilities expected to be achieved in their reform programs should be sustainable and appropriate to the needs of the host nation, and ultimately win the trust of local people, based the principles of good governance and human rights.

b - *good governance and human rights*. Accountability, transparency, public participation and legitimacy are integral features of the development of security forces and their modernization. Technical assistance aims to build capacity not only operational but also to strengthen democratic principles and to build respect for human rights. Security forces, both military and the military police or intelligence, must respect these principles to their tasks. This is very important in rebuilding the security sector, particularly in countries where military abuses have eroded public confidence in these forces.

c - *balance between operational support and institutional reform*. For security sector reform to be sustainable and have the desired results, there must be a balance between external support and host nation's desire to reform their institutions so that the external assistance to ensure completion of this process to continue and develop. Therefore, we believe, without parallel efforts to help develop infrastructure, train staff elements within the security sector, the nation will not be able to finally reach to provide security forces that make up the national security. The success and sustainability of this process depends largely on the capacity of institutions and government to support the human capacity that should lead and manage the elements of reform.

d - *close link between security and justice*. Security policies and practices of a nation must be consistent with the rule of law. State law can not evolve in a hostile security environment, where citizens fear for their safety. Assistance efforts must take into account a diverse range of actors and institutions that compose the justice system. Actions taken to police

assistance, without being accompanied by other efforts to support also other fields of the justice system can lead to an increased number of arrests, without the means to deliver sentences, in these cases violation of law, or lacking the means to support state detention or rehabilitation of convicted criminals.

Similarly, the focus on military reform and reconstruction of the host nation, while police and justice system institutions are neglected, can lead to the militarization of civil society. It would also encourage the use of military forces for missions incompatible with their role in the rule of law and national justice system.

e - *transparency*. An effective program of security sector reform will be one in which programs will be implemented to ensure transparency as open as possible. The program must include very good communication among people, among State officials, with neighboring states, with the donor community and other stakeholders to promote awareness of reform efforts.

f - *not causing harm*. Last but not least, the principle of a program of security sector reform of a state becomes very important in achieving the ultimate goals of this program and leads to failure if it is not taken into account. In a complex environment, donor assistance can become a part of the dynamics of conflict, which may serve to increase or decrease tension. As in any political activity or program involving changes to the status of a nation, players must ensure that their efforts do not adversely affect the security or political climate in unexpected ways and without means of settlement.

Thorough understanding of the system is a prerequisite for the success of any reform related activities. Actors must do risk assessment before implementing the program and make necessary adjustments during the planned activities.

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PARTICULARITIES OF THE OPERATIONAL PLANNING OF ACTIONS INSIDE THE INLAND-MARITIME AREA OF ROMANIA

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Operational planning of the specific actions within the inland – maritime area for the management of major crisis situations is developed in accordance with NATO crisis management procedures.
Rigorous planning of crisis response actions is based on establishing the decisive conditions which ensure an optimum objectives/missions distribution report.
The decisive conditions are fulfilled by achieving the support effects, these being sequences of a strategic or operative objective.

Keywords: operational planning; crisis management; operations plan; decisive conditions; support effects.

Military actions deployed within the inland-maritime area of Romania imply in particular the response of the inter-institutional structures forming the integrated system for national interests' promotion and defence upon a crisis situation or the participation of the multinational congregated forces to an armed conflict.

The operational planning process as a response to a crisis situation is generally similar with the one for current operations, hence, the specific character of these operations puts a mark in this field.

One of the specific issues is the inter-operability of the participating forces. In our opinion planning is the most important and sensitive stage of the entire process of approving, organizing and deploy of an operation. In the same time, we think that the planning actions related to the intervention to a major crisis situation on national territory or of a regional or local armed conflict must be in accordance with the NATO concept regarding crisis management, in view of enhancing the inter-operability and the efficiency of the intervention.

Analysing the stages of the crisis management process[1] presented in Figure 1, we intend to develop an algorithm of the planning process, specific for the actions undertaken within the inland – maritime area of Romania
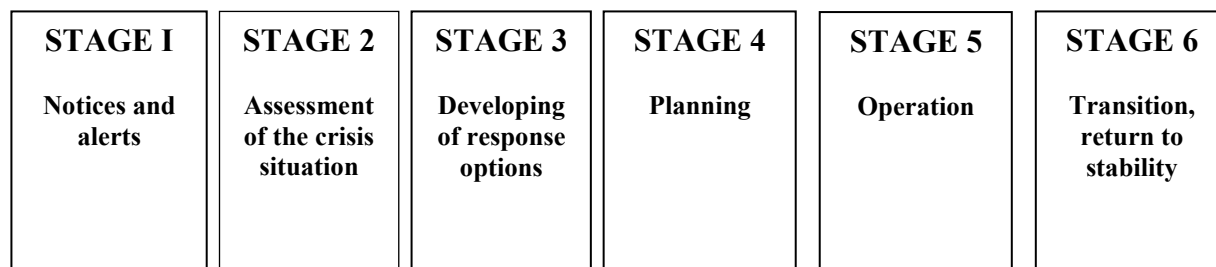
STAGE I	STAGE 2	STAGE 3	STAGE 4	STAGE 5	STAGE 6
Notices and alerts	Assessment of the crisis situation	Developing of response options	Planning	Operation	Transition, return to stability

Fig. 1 *Stages of the NATO crisis management process*

1. Within the first stage – *Notices and alerts* – the lower command and control system and the inter-institutional information structures of the integrated system for national interests' promotion and defence monitor a potential crisis area, and the political-military structure must be informed whenever there is a new alert assessment or whenever there are alterations of this alert. Once informed, the political-military structure has three options to follow: take no measure; require further information or accept and retain the alerts as being severe and indicate the related strategic, operative and tactic structures to analyse the situation.

2. *Assessment of the crisis situation* – the political- military component directs the responsible structures to analyse and asses the military, social, political and economic situation of the crisis evolution, in view of a possible inter – institutionalised response. After the assessment is presented the political – military level may follow two options: take no measure or order the crisis management inter-institutional structures to develop potential response options.

3. *Developing the* recommended *response options* has the goal to orientate the decision within the political – military situation analysing process, including the military strategic analyse. In this respect the response options aim the interfusion of activities developed by the political – military component together with the National Military Command Centre.

4. – 5. Political – military level's *Decisions planning and execution* – inter-institutional structures response strategy, the final desired stage and the missions covered by the initiation directive will be transposed into an operations plan. After approval, this operations plan will be executed, implemented and monitored by the system's components through its responsible structures.

6. *De-escalation and return to stability[2]* - this stage of shutting off the crisis and return to stability is reachable when the objective and the final state were achieved.

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[1] *AJP 3 B*, 2010 Cap. 4, p. 65.

The planning process we propose is an inter-institutional integrated type and has to be considered in the context of a training unified system. In this respect the command components of all participating forces must use the processes of this system for developing training programs, for planning, executing and assessing the training based on the essential tasks in order to accomplish the mission.

As it is very easy to notice, the unified character of the military actions is displayed at all military art levels. What we wish to underline is the fact that the planning process is dynamic and always directed by the commander. Even if the general staff is assisting the commander of the united forces, finally the ultimate planning result (OPLAN) belongs to the commander and he is the one directing its elaboration process.

The essence of this relationship is based on acknowledging that planning is a mental activity, supported, but not led, by some processes. For that matter, each operation has an unique context, a combination of military and non-military actions all following the same purpose: transposing the strategic intentions into tactical actions.

Planning as a response to a major crisis situation is addressing, in general, the following three questions: which are the characteristics of the current situation?; how should the most favourable situation look in the future?; which is the commander's approach regarding the change?
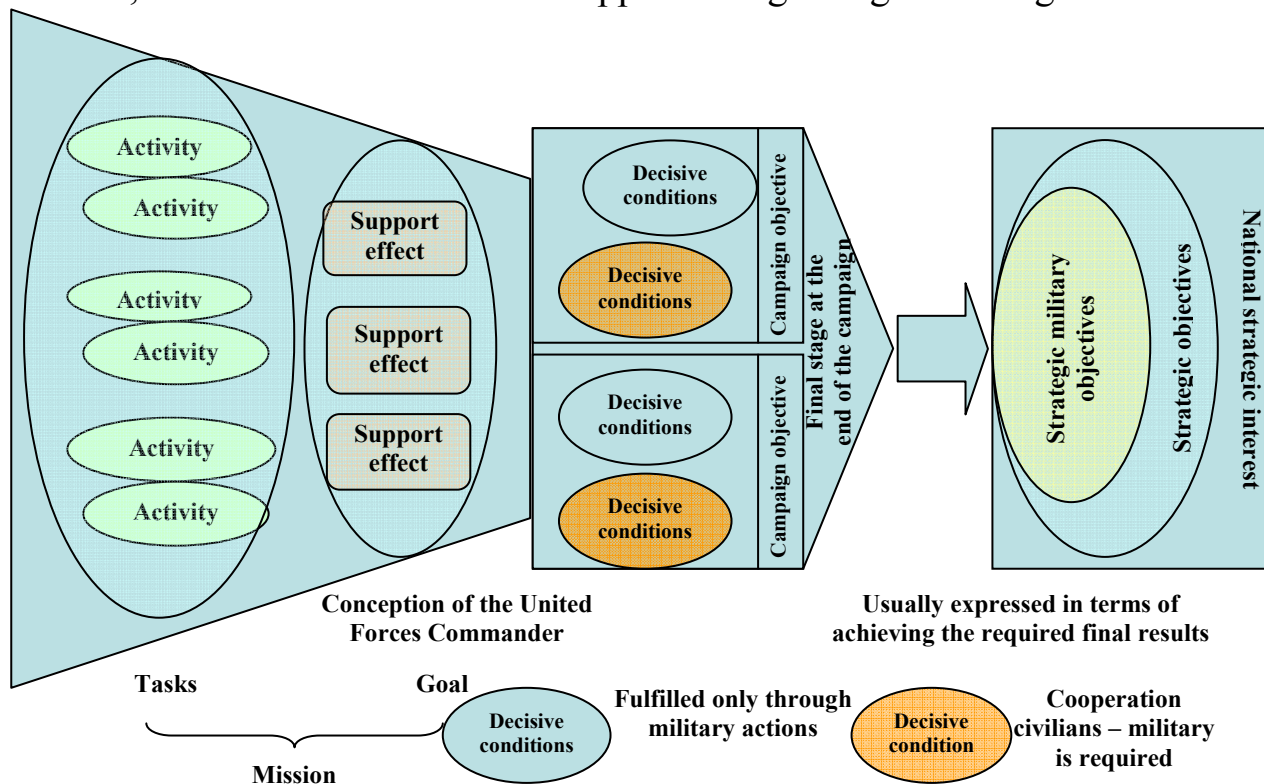

Fig. 2 *The relation operational planning and strategic planning*

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[2] NATO working group on „crisis management" – 2008, section 2, *Ending of crisis and closing the conflict.*

As mentioned before, in essence, *a decisive condition* represents a combination of specific circumstances considered necessary for fulfilling the objectives of an efficient intervention. These should reflect the relation between the decisive individual conditions and the relations within each condition, between the barycentre and the action's objectives.

The decisive conditions are:
- prior conditions for fulfilling the objectives and implicit for reaching the final required stage;
- expressed by using verbs at participle in view of channelling the attention towards the results and not on the activities.

For example, the inter-institutional crisis response structure may identify a domestic real military or unmilitary capacity as a decisive condition concurring to reaching an objective for solving the situation created.

The decisive conditions are derived from the descending analyse of the objectives of an intervention. They are fulfilled by accomplishing the required support effects for each of them. In this way, the activities must be conducted in such a way that these effects to be reached. One must keep in mind that not always we receive the desired support effects, that is why we must be prepared also for the unwanted effects. The support effects always result from the decisive conditions as shown below:

	Support effects 3.1	Ports "X" are blocked
Decisive condition 3	Support effects 3.2	Control on sea is concluded
Access to "Y" Sea is forbidden	Support effects 3.3	Own berthing/landing spots protected

	Support effects 9.1	Armed forces "X" regruped
	Support effects 9.2	Police forces "Y" regruped
Decisive condition 9	Support effects 9.3	Command and control system of the Armed and Police forces is re-established
Armed and Police Forces re-established	Support effects 9.4	Armed forces "X" trained and equiped
	Support effects 9.5	Police forces "Y" trained and equiped

Support effects 9.1	Fulfilled only through military actions	Support effects 9.3	Cooperation civilians – military is required

The principle of Mission command – through which the commanders renders their lancers the freedom of action necessary for taking the right decisions in unexpected situations in OPLAN/OPORD, for taking the opportune steps or for counteracting the opponent's actions, admits that, rarely the events are developed in accordance with the initial plan and while the military actions are lead to fulfilling some specific effects, intuition and operational art remains primordial.

Integrated type actions (reunited) ensure the general frame for strengthening the response effect, directing the activities and the manoeuvre for reaching the support effects.
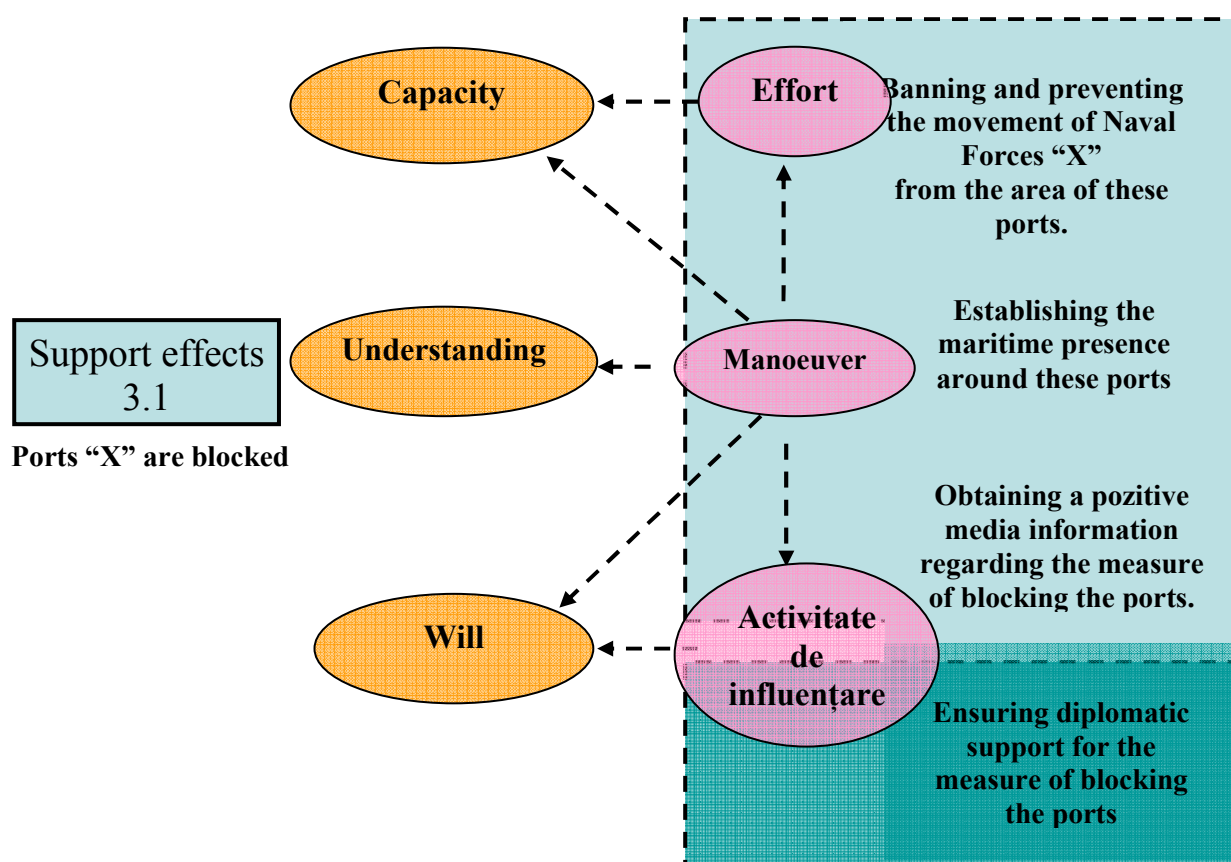
Developing a full process of unified planning implies getting through several steps and sequences within these, the inputs for each sequence being the former obtained results.

Planning of actions inside the inland-maritime are of Romania in the circumstances of a major crisis is based on the previously presented process stages. From this approach we must retain the following specific elements:

• response actions are based the preliminary order created by the political – military structure;

• the plan of operations comprises the standard paragraphs for the issues related to crisis management;

• the missions of the intervention structures have an inter-institutionalizes, integrated, unified, and in some situations also multinational character;

• the rigorous planning of the crisis response actions is based on establishing the decisive conditions ensuring an optimum division between objectives and mission;

• the decisive conditions are fulfilled by getting the support effects, these being sequences of an operative or strategic objective.

As a conclusion, we trust that the operational planning of actions inside the inland-maritime area of Romania has to comply with NATO procedures for crisis management and the participating response structures have to ensure the fulfilment of the decisive conditions by getting the support effects.

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INTERDISCIPLINARY THEORIES REGARDING THE MANIFESTATIONS AND THREATS OF TRANSNATIONAL ORGANIZED CRIME

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Appeared from the necessity to identify and explain the etiological mechanisms of crimes and crimes and to provide solutions for preventing the antisocial manifestations, the criminology and sociology of crime have old and rich tradition in our country. From historical perspective, the various orientations with a criminal, statistical, psychological and sociological colour, issued in Romania at the beginning of the XXth century have was sensitive influenced by a series of etiological paradigms and theories manifested in various countries European and North America, and which led to the foundation of an etiologic and predictive system typical for criminology and sociology of crime.

Keywords: organized crime, criminology, threats, concepts, transnational.

Various aspects and manifestations of organized crime, as destabilizing consequences that this has on individuals, groups and social institutions have attracted the attention not only to specialized organs of social control, but also sociologists and criminologists, psychologists and psychiatrists, historians, political scientists and philosophers have pointed out the rationalization, specialization, organization and professionalism of certain acts and facts with a highly dangerous and social violence.

We consider it necessary to define the concepts of criminality, "organized crime", "mafia", "terrorism[1]" and more recently "strategic crime"

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[1] Jean Servier, *Le terrorisme*, Presse Universitaires de France, 1979, translation by Bogdan Geangalău. Studiu introductiv de Nicu Gavriluţă, European Institut Publishing, Iaşi, 2002, p. 31.

to understand better the phenomenon or phenomena that surround us and affect us equally, all of us, the organized crime can be associated with: "That organization (large or small group) which using and perpetuating criminal conspiracy, has an organized structure, it is builds the existence on fear and terror, corruption and illegal manipulations and attempt to secure of financial benefits and further advantages"[2].

Sociologists have considered that certain areas or environments encourage the delinquency, becoming grounds propitious organized crime structures. The success and welfare of drug traffickers and of other criminals involved in criminal activities are good models for youth in the places in which there are no alternatives for social progress[3]. The source of organized crime such finds its place in disintegration and malfunctioning of the system (meaning the whole system), which meant that, after the changes in the former totalitarian states, the organized crime will grow very quickly, surpassing the structures of law, dispelling the banking circuits, grabbing the politicians, succeeding to intimidate or to overpower repressive system[4].

The development of communication ways and transport resources, the development of commercial exchanges and tourism on a global scale has allowed a more and fast movement of criminals in different countries to committing crimes, to escape from legal responsibility or to hide or capitalize the product of crimes. This tendency mainly has led to the disappearance of boundaries between national, regional and international to interplay of political, economic and social problems. During this tendency the globalization has expanded in the crime area also.

The organized crime manifestation forms has been varied from day to day, passing from traditional areas such as gambling, usury and prostitution, to trafficking in works of art and stolen archaeological objects, credit card frauds, the trade in animals and rare birds etc., leading to the organization of criminal activity after the legal business model (reception sectors, production, transport, recovery, protection)[5].

Psycho-sociological political and criminological theories regarding the transnational organized crime - manifestations and threats

Appeared from the necessity to identify and explain the etiological mechanisms of crimes and crimes and to provide solutions for preventing the

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[2] National Securitiy Council, International Crime Threat Assesment, web site: www.terrorism.com/documents/2006
[3] F. Alder at al., *Criminology*, Second Edition, Ed MacGrew NJAll., USA, 1995, p. 304.
[4] Miclea Damian, *Knowledge of organized crime*, Pygmalion Publishing House, Ploieşti, 2001, p. 13.
[5] Ibid. p. 17.

antisocial manifestations, the criminology and sociology of crime have old and rich tradition in our country. From historical perspective, the various orientations with a criminal, statistical, psychological and sociological colour, issued in Romania at the beginning of the XXth century have was sensitive influenced by a series of etiological paradigms and theories manifested in various countries European and North America, and which led to the foundation of an etiologic and predictive system typical for criminology and sociology of crime.

Earliest theoretical concepts and practical researches has been focused primarily on identifying and explaining the genesis "external" and "domestic" crime, trends in various types of crime and criminals, and the prevention and treatment of crime in general, and of the murderer, in particular.

"United Nations Framework Convention organized crime" in article 1 specifies that "organized crime" means: The activities of a group of three or more people with foreign and hierarchical connections, which manifests itself through violence, intimidation or corruption both to support the criminal activities as well as to infiltrate into the legitimate economy, particularly by:[6]

- illicit trafficking of drugs and psychotropic substances and money laundering, as have been defined by United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of December 1988;
- human trafficking, as defined by the Convention for the suppression human trafficking and prostitution exploitation, from December 2, 1949;
- counterfeiting of currency, as defined by the International Convention for the suppression of counterfeit currency, from April 20, 1929;
- illicit traffic or robbery of cultural objects, as defined by UNESCO Convention on the means of prohibiting and preventing the illicit import, the export and of the rights transfer on cultural property, November 14, 1970 and UNIDROIT Convention on stolen cultural objects and illegally exported, from June 24, 1995;
- robbery of nuclear materials, their improper use or threatening to use them against people, as were defined by Convention on the Physical Protection of Nuclear Material of 3 March 1980;
- terrorist attacks;
- traffic or motor vehicle robbery;
- corrupting public officials.

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[6] Cristina Vasile Mardale, *Criminalitatea organizată transfrontalieră – O amenințare în expansiune / Transnational organized crime - a growing threat*, Strategic Univers Review no. 2/2010, Bucharest, Christian University Press D. Cantemir, online: http://iss.ucdc.ro/revista-pdf/us2.pdf

In this submitted sense, the corruption represents the abuse of power for personal interests.

The cross border crime is an adaptation of the criminality phenomenon, with his all components and dimensions to the new conditions. These new conditions are:

• Significant reduction of domestic political authority in the benefit of international regulation;

• The information internationalization, creation of companies and corporations with international dimensions, implying significant expansion, change or transformation of economic borders and often their entry into conflict with the political (such a conflict, creates many vulnerabilities which are extremely benefit for cross-border crime);

• Speeding up of information exchange, economic and other relations between state entities, economic, informational, international, etc., leading to the creation and modernization of transport, communications, production, storage infrastructure, etc., the emergence of new vulnerabilities and thus new opportunities for terrorism and organized crime;

• Creation of databases, of real and virtual networks that can be used by organized crime to expand its operations for their own protection and hinder the actions of state authorities against mafia organizations, shadow economy, networks of smugglers, etc[7].

From political point of view, the phenomenon is characterized as a non-traditional threat to national and regional security involving corruption, physical violence and intimidation of the population, undermining political welfare, economic, social state.

In the view of political scientists[8], transnational organized crime take place when an organization perform similar to an international businesses, practice a very advanced division of tasks, structure has tightly compartmented which are methodically and sustainable designed and struggling to make excessive profits, committing crimes and participating in the formal economy. This strong hierarchical structure has effective mechanisms to enforce internal rules and calls to violence, intimidation to influence political and economic life.

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[7] Viorel Zburătură, *Criminalitatea transfrontalieră ca sursă de insecuritate naţională în condiţiile globalizării şi integrării României în UE*, Teză de doctorat / Cross-border crime as a source of national insecurity under globalization and Romania's EU integration, PhD Thesis, 2007. pp. 38-39.
[8] Sabrina Adamoli, Andreea Di Nicolo, Ernesto U. Sevona, Paola Zoffi., *Organized crime around the world*, European Institute for Crime Prevention and Control, affiliated with the United Nations – Helsinki, 1998, p. 1, cited by Elena Cherciu, *Corupţia: Caracteristici şi particularităţi în România / Corruption. The characteristics and special in Romania*, Bucharest Lumina Lex Publishing House, 2004, p. 108

Sociologists define the organized crime term closely related to the definition of criminal organization. According to this concept, the "organized crime" consists in specific criminal organizations behaviors which are often structured and strictly professional, may take different forms, has a high level of internal structure and use intimidation, violence, terror and corruption.

Currently, according to the Interpol, around the world survive four types of criminal organizations:
- The mafia type;
- Those of professionals of crime,
- Those ethnic structure;
- The terrorist.

Returning to the Edwin Sutherland characterization on the subject of the organized crime - recognized as a crime of "white collar"- this phenomenon is not confined solely to the crime of "white collar" because this is only a part from a whole. Appearance was noticed by Donald Cressey[9], who believe that the concept of "group", "gang", "unions" "cartel", "confederation", etc. aimed at crime and corruption which designated the criminal organizations and organized crime.

Louise Shelley believes that the twentieth century marked the emergence of a new phenomenon - globalization of the simultaneous crime, terror and corruption which are a true trinity of evil that manifests itself throughout the world[10]. It can be encountered not only in the poorest countries from Latin America or Africa, but also in America or in the most prosperous countries from Europe. International mob, *pax mafiosi*, the dark side of globalization, global illicit economy are the most recent terms that define the appearance of transnational organized crime.

In another sense, organized crime represents a specific illegal segment to which it relates the illegal activities in order with the purpose of seriously endangering certain sectors of economic, social and political activities, carried out constantly through methods and means which are planned and plotted by associations of individuals with well-defined internal hierarchy, in the specialized structures and mechanisms of self-defense, to obtain illicit profits at very high rates[11].

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[9] Donald Cressey, Criminal organization, cited Dan Banciu in: *Sociologie juridică / Juridical Sociology*, Hyperion XXI Publishing House, Bucharest, 1995, pp. 153-154.

[10] Ion Suceavă, *Interpol la început de mileniu / Interpol to beginning of the millennium*, Meronia Publishing, Bucharest 2007, p. 26. cited by Georgeta Ungureanu.- Criminologie generală: Note de curs / General Criminology: Course Notes online: http://www.scribd.com/doc/50436810/Criminologie-Generala

[11] Sorin Rădulescu, Dan Banciu, *Sociologia crimei și criminalității / Sociology of crime and criminality*, Ed Sansa, Bucharest, 1996, p. 68.

According to H. Abadinsky[12], professor at the St. Xavier University, the organized crime represents a non-ideological association, involving a number of persons in adjacent social interaction, hierarchy organized with consist in at least three levels in order to secure own profit and power as a result of illegal activities. The hierarchy rank and levels of a certain importance role can be attributed to degrees of affinity and friendship relations or rational, depending on each individual specialization.

Organized crime, deliberate and conceived up to detail, regarding to the role and mode of action of those who carry it out, differs fundamentally from criminal actions of individuals who occasionally are associated with the intention of commit crimes[13].

The concrete forms of the organized crime vary from country to country, but there are criminal groups whose actions affect several countries simultaneously.

Although the definition and types of organized crime are worldwide controversial, many experts considering them too general, the conclusion that emerges is clear: in order to have an efficient schedule to fight against organized crime, criminal behavior must be understood as a whole.

Conclusions and recommendations

Looking ahead, it is evident that the Wider Black Sea region has considerable potential for future development. Regional cooperation shall be in the advantage of most states in this part of Europe and the whole continent. European Union, through member countries of the region - Bulgaria, Greece and Romania - and through his own initiatives on the Black Sea may also contribute in a significant extent to list all states in this space on the path of European political, economic, democratic and security values.

The Organization for Security and Cooperation in Europe (OSCE) and Council of Europe (CoE) have a significant contribution to stability and security of the region, particularly at the consolidation of democratic reforms and to the efforts of peaceful settlement of conflicts and disputes in this part of Europe. In their role as member states of this two organizations, all nations of the Black Sea region have subscribed to the OSCE and the EC principles and values and, therefore to the precise compliance and enforcement. In a similar vein, through its Black Sea members - Bulgaria, Greece, Romania and Turkey - and through promoted partnerships by the Alliance with the Russian Federation, Ukraine and other countries in the region, NATO is in the position to make a significant contribution to the stability and security of this area, for the mutual benefit of all regional countries, of the entire Europe, of the U.S. in order to ensure the peace in the world.

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[12] Paolo Pezini, *Mafiile / The Mafia,* BIC-ALL Publishing, Bucharest, 2003, pp. 8-9.
[13] Şerb Stancu, Constantin Drăghici, Adrian Iacob, Andrei Ignat, *Drept poliţienesc,* Tritonic Publishing House, Bucureşti, 2003, p. 202.

Given that this part of Europe's problems can be solved only through political and diplomatic resources, with broad cooperation, taking into account the interests of all parties concerned would be appropriate to create at the level of specialized institutions a special mechanism for conciliation and mediation to encourage settlement of disputes and conflicts in the Wider Black Sea[14]. For the success of Romanian initiatives into this area, is certainly crucial that their substance to be determined in closely collaboration with Turkey, Greece, Russian Federation, Ukraine and other countries in the area.

This approach would contribute effectively to strengthening Romania's position in the region, increasing at the same time, its influence in the debates within European Union regarding European construction and the increased EU moderator role in world politics.

Brussels specialized authorities may consider the establishment of a cooperation regional platform in the Black Sea region which would re-unite the riparian EU member states with interests in the area, EU agencies, the relevant third countries belonging to the region, the Organization of Black Sea Economic Cooperation (BSEC), Regional Center for Combating Transborder Crime (SECI Center) from Bucharest, Information and Coordination Center of Black Sea Border from Burgas - Bulgaria and the Center virtual GUAM.

EU contributions to the regional platform could include training activities conducted through twinning programs and practices for the EUROPOL and FRONTEX.

Black Sea's Partner countries of the European Neighborhoods Policy (ENP) must conclude and implement the cooperation agreements with the EUROPOL and FRONTEX.

Is necessary a better coordination of Romania, Moldova and Ukraine's efforts to combat various forms of organized crime, which could be achieved within the BSEC, based on supplementary protocol of cooperation which is signed by all Foreign Ministers of the BSEC's states.

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SOME APPROACHES TO THE SUPPLY CHAIN MANAGEMENT IN ECONOMIC AND MILITARY DOMAINS

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If a company makes goods from parts purchased from suppliers, and those products are sold to customers, then there is a supply chain. This is comprised of all the businesses and individual contributors involved in manufacturing a product, from raw materials to finished merchandise.

Some supply chains are simple, while others are rather complicated. The complexity of the supply chain will vary with the size of the business and the intricacy and numbers of items that are manufactured.

Supply chain management is constantly evolving and there are always new trends and issues that are of interest.

Keywords: logistics system; supply chain; supply chain advantages; supply chain disadvantages; Supply Chain Operations; logistics services.

Conceptual Approaches

Logistics represents an evolving field that has gone and still goes through many changes caused by the characteristics of the economic environment in which it is acting. Therefore, we witness the transition of logistics from one operational activity to a tactical or even strategic one. In this way, the logistics grew out from the premises of an enterprise, and so the concept of supply chain emerged.

The prestigious group of specialists in this domain in USA, *The Council of Logistics Management*, uses as an established notion the *logistics management* defined as *planning process, implementation and control of bidirectional flow and effective and efficient storage of goods and services and also related information between a point of origin and point of consumption in order to meet consumers' demands*. (Lambert and Stock, 1993, p. 4)[1]. It is a very general definition, which manages to emphasize the physical distribution management and delivery to consumers, with the central

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[1] SC Ailawadi, SCAR Singh, R Singh, Logistics Management, 2005, books google.com; www.managementmarketing.ro/pdf/articole/8.pdf - logistica sursa de competitivitate

objective of satisfying the consumers' needs and obtaining the profit as well, objective met namely by ensuring competitiveness.

Following the analysis of that definition, it results that logistics management is part of a complex management, which focuses on coordinating specific business functions (marketing, production, financial) within firms and between firms, respectively the process known as supply chain.

Specialized sources present the supply chain in two ways regarding the similarities and differences.

The first option shows that supply chain, known in specialized literature as *supply chain - supply / delivery*, includes all activities that make up the flow and transformation of goods from raw material stage to consumers or end users, and also the associated information flows.

The concept of supply chain may also include, along with suppliers and customers, companies specialized in logistics services, including third non-operators. It developed the so-called "supply chain management" *that consists of systemic and strategic coordination of traditional functions and policies related to these functions within a company and between different companies in the supply chain in order to improve the long-term performance of the companies considered individually and the supply chain in general*[2].

The second option describes the supply chain as a coordinated system of organizations, people, activities, information and resources involved in moving a product in a physical or virtual manner from supplier to customer. In a general sense, a supply chain consists of two or more organizations legally separated, but linked by material (physical), financial and information flows. These companies that produce parts and products may be companies that provide logistics and even the customer himself. In a restricted sense, the term "supply chain" is applicable to large multinational companies with activities in different countries, which leads to the aspect of effective coordination of physical, financial and information flows. In the latter case, the supply chain is intra-organizational, while supply chain including different firms is inter-organizational[3].

On the basis of the above-mentioned aspects, we can argue that the supply chain is a sequence of processes and flows that are mixed in different entities (stages) to satisfy the customer's demand for a product, producing at the same time profit for all participants in this economic circuit. Each flow generates costs but also value added to products traded transferring from one stage to another in the supply chain of the product in analysis.

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[2] *Ibidem.*

[3] Chopra, Sunil and Meindl, Peter, Supply *Chain Management: Strategy*, Planning and Operation, 2007, p. 107.

Some of the *advantages* of implementing a supply chain include:
- the materials / the products are present only where needed and the minimum amount really necessary;
- the generalization of reducing the stock levels and therefore the costs of storage;
- the rationalization of transport;
- the improvement of production scheduling.

As *disadvantages* of implementing a supply chain, the following can occur:

- when there is a *large number of small customers* and the implementation of a supply chain management is either very expensive or impossible. In this case, the quality of the service offered to the customer is essential and demanding partnership agreements are impossible.

- when there is a *large number of small suppliers* and the supply chain management implementation is impossible and there are also huge costs for suppliers.

In the commercial process, the physical flow interruption is a stage where the commodity on the market is moved. Often, this disruption is accompanied by a transfer of responsibility, which sometimes occurs when the transfer is made. Generally, this interruption of flows occurs during the loading and unloading operations and also during the change of means of transport. According to assessment of experts, the moment of flow interruption is crucial in organizing the *supply chain* and also in its overall performance, for the following reasons[4]:

- is a favorable time to ascertain the quality, quantity and real value of goods sold, changed or reloaded, for the authorities (including customs), as well as vendors, customers and *logistics providers*;

- is an action that involves consumption of resources (labor, information systems, handling equipment etc.)

- is a state in which the cargo is immobilized and also becomes available for new transport (multimodal transport), for processing or marketing;

- is a level in product circulation during which the cargo may be damaged or stolen, because it is transshipped or its temperature can change. The decision to build a *logistics* system will take into account the number of interruptions of such flows and their vulnerability. Decision making tends to reduce as much as possible the number, cost, duration and even their degree of technicality. Generally, the interrupts occur at the intersection of two activities (often performed by different companies). To avoid interruptions the question of timing activities arises, which leads to the idea of *supply chain*[5].

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[4] http://facultate.regielive.ro/cursuri/transporturi/trecerea_de_la_logistica_la_lantul_logistic-35858.html

[5] Harrington, H.J., Harrington, J.S. Management total în firma secolului XXI, Teora Publishing House, Bucharest, 2000, p. 28;

The Identified Models

According to expert assessment, a supply chain consists of several legally separated companies that work for generating a product in order to improve its competitiveness as a whole. Integration refers to the special stages that make these companies to work together for a long term such as: mate selection, the organization of networks and the inter-organizational cooperation, the supply chain management. The selection criteria should be based not only on costs but also on the future potential of a partner to support supply chain activities.

For functional purposes, scientists have identified a variety of models of supply chain that address both upstream and downstream participants. The SCOR model (Supply Chain Operations Reference), prepared by the Supply Chain Council measures the performance of total supply chain. This is a reference model for supply chain management, being built form the *supplier's provider* to the *customer's client*[6]. It includes the achievement in making the delivery and the order, the production flexibility, the costs of honoring the terms and disclaimers, the stock networks and the assets, and also other factors in assessing the overall performance of supply chain efficiency[7].

Each link in the supply chain is an activity or set of activities that can be grouped under one of the four expressions of SCOR model method:

• source: namely supply; it includes all activities associated with this concept we can find, purchase, the establishment of the references, etc.;

• make: that means industrial production in its different variants: mass production, ordered production, etc.;

• deliver: namely distribution in all its forms: sales to other companies, sales to final customers with their various variants;

• plan: presents the two transversal cross-link operations that allow the management of their relations[8].

In the functional sense, each link is connected, except the extremities, to one link upstream and one downstream. So what is the *Source* for one becomes *Deliver* for the one that supplies and leads *Make* for the one that

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http://facultate.regielive.ro/cursuri/transporturi/trecerea_de_la_logistica_la_lantul_logistic-35858.html

[6] *Ibidem*.

[7] Lect.univ.dr. MihaiFelea, Academia de Studii Economice din Bucureşti, *Rolul stocării în lanţul logistic*, Revista Amfiteatru Academic nr.24 din 2008, ASE Bucharest, p. 120.

[8] Philip Kotler, Gary Armstrong, *Principiile Marketingului*, Ediţia a IlI-a, Teora Publishing House SRL, Bucureşti, 2005, pp. 615-616.

http://facultate.regielive.ro/cursuri/transporturi/trecerea_de_la_logistica_la_lantul_logistic-35858.html

uses supplied products. A logistician is interested, in a particular link, in less the content, procedures and techniques used, but especially in its management, mainly regarding the planning aspect. So, in an assembly plant production techniques involve only indirect the supply chain. Instead planning the activities of the machines, the equipment and the supply of the spare parts are related to supply chain management.

Based on research related to practice, supply chain Global Forum introduced another model of supply chain. This framework is built of eight key business processes, which are both inter-functional and cross-functional for the company. Each process is managed by a cross-functional team that includes representatives from the fields of logistics, production, acquisition, finance, marketing, research and development activities. Processes within a supply chain are: *customer relationship management, customer service management, meeting the demand, order fulfillment, manufacturing flow management, provider relationship management, product development and marketing, reverse logistics*[9].

Functional elements

The logistics chain activities (also called value chains or life cycle processes) transform raw materials and components in a product that is delivered to the consumer or user. Therefore, a supply chain links various value chains within it.

Supply chain represents a modern approach to supply chain. In this context, using solutions provided by the logistic suppliers in the supply chain, the customers of the profile company benefit from a number of advantages such as: increased revenues, increased profitability, reduced capital investment, reduced operating costs, saved resources networks and the proximity to customers because of the faster deliveries made at a higher quality level.

According to the experts' assessment, the supply chain functions relate mainly to: forecasts, treatment of orders, purchasing, supply of raw materials, storage of raw materials, raw materials management, delivery from the warehouse to the consumer, program production, control and self-control at the production site, the management of inventories of finished products, storage distribution products, plant-warehouse transport, conditioning-packaging etc.

Some of the services within the supply chain of a company with commercial profile are mainly: *designing supply chain, collection of goods, storage of goods under customs or free, handling and preparing goods for delivery/distribution; stock management; goods delivery; ensuring goods during transport and storage; obtaining customs clearance of import/export,*

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[9] *Ibidem.*

as appropriate; preparing and submitting INTRASTATE documents; receive/deliver all documents to the client; close monitoring of all operations; various other value added services: sorting, packing, wrapping, labeling, attaching instructions etc[10].

In terms of information in a manufacturing company, everything is based on forecasts. They determine the structure of the company's activity on a waiting foreseeable future. The forecasts are based on data from previous years' activity and on forecasting methods. Forecasts materialize in strategic planning networks and the tactical business plans.

In terms of information flow, the first step is *to address orders* followed by *supply of raw materials*. The purchase involves a plan based on production type of business. Another element is the *purchase* that requires a process of market knowledge and negotiating. The next step is to *store raw materials* in the deposits of the company, followed by *the introduction in the production line of the stocks*; depending on the type of production, *semi-finite products are stored in intermediate storage facilities*.

However, finished products are subject to the control at production site, on the manufacturing line and the end of it by specialized controllers. Depending on the type of production, the control can be statistical and presently there is a tendency to develop a in a greater manner the *self-control* which is performed by each operator at his place of work by controlling the parts coming from upstream and those made by him that go downstream. More increasingly, simple techniques are used to prevent defects mainly due to positioning and handling parts by applying the theory of quality circles, which seeks concrete solutions to improve production.

The control has as its main purpose ensuring the quality that represents the most simple and basic aspect on the quality scale. The next stages are the quality certification according to ISO 9000-14000-18000 (quality-environment-health and safety), which is based on a company's internal quality plan and is summarized in what is called "Quality Manual". This is done as Total Quality Management (TQM), namely integration into the overall enterprise of all structures based on quality. It includes management's commitment to respect the rules and procedures for supplies from suppliers, internal production, customer satisfaction etc.

Regarding the internal logistics, the management of finite products is the next step. These are distributed to regional warehouses, to the wholesalers and then to retail stores. Service for these products is part of the supply chain and starts to be a very important link. The life cycle of a product includes more and more, besides manufacturing, maintenance, the disassembly and recovery of

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[10] Sunil Chopra and Peter Meindl, *Supply Chain Management: Strategy, Planning, and Operation*, 2007; http://www.topexpert.ro/logistica.html

reusable elements and these elements constitute the concern of the company sometimes becoming a promotional element for the sale of new products.

The main purpose of the modern enterprise is profit, and to that end the value chain comprises two types of activities: *primary activities - creating ideas, support activities - that help create value.*

Technological development in this century, called the century of knowledge, is and will be the main source of value creation. Most developed countries, as well as the most profitable companies are developing more advanced technologies. Thus, in the case of a value chain, there are three fundamental factors: *the shareholders, the company, and the customers.*

For a shareholder, profit occurs when the ratio of the amount invested and the benefit is higher to costs and financial resources used.

For the company, the value is not only financial and also has other connotations; it occurs when the ratio between quality and resources increase. In the case of the customer, the value is the price he is willing to pay for a product and its related services that are offered.

Current issues of concern related to the chain are *the level performance and quality of supply.*

On the performance, it is characterized by all the products, services and the work accomplished to satisfy customers. Accordingly, the performance can increase through a new vision of what the company is respectively: *a company transition from a closed to an open type, the transition from the organization on directed flows (production push) to the production on controlled flows (pull type production).*

Vision leads to new models involving the shift from product offer to the product and service. A basic element of a model is serving speed.

Depending on customer expectations, the tendency is to increase product diversity. Currently, the trend is to shorten product life cycle. This shortening is deliberate, on the one hand, and on the other is due to the use of materials and technologies and also reliability programs that allow very precise lifetime in which the damage or wear, aging of components, make them no longer repairable cost-effectively.

In terms of *supply*, this should be seen as increasingly more complex and concerns: the *transition from a standard product to a personalized product.*

To stay on the market it is necessary to have all the parts of the supply chain in a close cooperation, up to the alliance between them. Thus the logistics problem is not only the logistics integration between logistic components of a single organization (integrated logistics) but also logistic cooperation between organizations of the supply chain (logistics cooperative)[11].

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[11] Conf.univ.dr.ing. Georgeta Emilia Mocuța, „Politehnica" University, Timișoara, Logistica - instrument și concept în continuă evoluție, AGIR Bulletin nr. 2-3/2009, p. 5.

Worldwide, there is a tendency to concentrate different fields in large monopolies, making a great area to have only a few very large operators, which takes over most of the market and leaves a small activity area only to companies without international business. In this context, there is a logical transition from "standard product" to a logic "product innovative product", with major implications on the management of stocks as a major component of the supply chain.

Linking efforts of military and commercial regarding the management of the supply chain

With the possibility of using national infrastructure and especially ports becoming increasingly limited due to existing capacity, it is obvious that the logistics system, both the military and civilian, need to reorient their work methods. Extensive use of the Internet leads to the implementation of new procurement and distribution procedures. Virtual service providers allow exchange of information between the entities that provide goods and services globally. According to the current economic conditions, this leads to true transnational corporations whose business is spread virtually worldwide. In this way, information becomes a real mode of transportation in logistics, which increases the importance of technology in the conduct of current operations, some providers turning into information management companies.

Through electronic commerce, beneficiaries can access real time data on inventory levels, ordering, procurement and following the path of ordered goods. The revolution in information technology leads to major changes in the supply chain and to performance in fulfilling tasks, both in military logistics and in the civilian commercial area.

Thus the concepts of electronic commerce, electronic release orders, sales via the Internet and virtual storage lead to changing the relationship between suppliers and distributors and even to redefining the concept of job. Real-time access to data regarding the business of potential suppliers and beneficiaries allows users to have a dynamic control over stocks and a rapid response to market demands.

In the military, each structure can be viewed as a decentralized item of consume, connected to a central distribution point providing necessary goods for coherent operation of each element. Existing transportation systems allow the distribution of goods to the fighter. In many cases, it is more useful to identify the manufacturer and achieve direct link between supplier and final consumer (fighter), thus avoiding the potential queue during storage, transport and distribution[12].

In the civilian logistics area, direct coordination between the seller, supplier, carrier and the final beneficiary, through the Internet, allows

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[12] Dr. Kristine Lee Leiphart, *Creating a Military Supply Chain Management Model*, USA, 2001.
Global Logistics and Supply Chain Strategies, „HYPERLINK" http://www.supply chain brain. com/"

avoiding lags, the system helping to mutual identify the needs and also to have more effective resolutions of the requests.

A military logistics system, based on Internet use, requires the interconnection of components and continuous exchange of information between structures with responsibilities for procurement, supply and transport. This is possible if we consider that initially the Internet was created based on military scenarios.

Regarding these aspects, the most relevant example is the Gulf War, where, according to a report sent by the General Accounting Office of the U.S. parts worth $ 2.7 billion remained unused. This was due to the fact that, at that time, the army did not have a viable system of tracking stocks. Also, there was a strikingly lack of specialized equipment, ports of embarkation / disembarkation becoming overloaded with equipment and materials that were to be processed and delivered to units.

As a result of the Gulf War experience, the U.S. Defense Department has implemented a tracking system and automatic identification of all movements of goods, leading to significant savings in money and also human and material effort. Although labour available decreased substantially since that time, new technologies have increased the efficiency of the activities, especially regarding the shipping materials by specialized cargo ships. Benefits became apparent at the start of operations in Afghanistan, when the new system, more accurately and much faster, has become operational[13].

For the military system of distribution and transport, the idea of having all the necessary equipment directly to the places of embarkation / disembarkation is not very different from the type of coordination that exists in the civilian environment between retailers and other elements of the supply system (primary providers, carriers, wholesalers and so on).

Nowadays, modern armies are experiencing the so-called concept of "anticipatory logistics" for petroleum products, ammunition and maintenance, which is, in fact, the logistics based on real consumption needs. This concept uses technology, information systems and procedures for predicting and establishing the consumer's priorities to be able to provide adequate logistical support, according to real consumption. Although, at first glance, the concept is relatively simple, in the future the is planned further expansion of modern technologies as tools for monitoring stock levels and also the technical condition of major equipment. The use of information systems to assist decision to determine the best solution to use the existent support means is also planned. In this way, logisticians will have the most modern tools of supply chain related to delivery at hand.

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[13] Major Joshua M. Lenzini, *Anticipatory Logistics: The Army's Answer to Supply Chain Management*, USA, 2002.

Military supply chain management

Experts have identified nine components of supply chain and the factors that ensure success in achieving logistic support. In the military, these are slightly different from those used in civilian economic environment, mainly because the forces are focused on fulfilling a combat mission, while civilian economic organizations pursue, primarily, the obtaining of a higher profit.

In both military and civilian business domain there were identified the following management components of supply chain: *manufacturers, suppliers, procurement, demand management (ordering to suppliers), Production / Maintenance, storage, transport, final consumer (fighter), reverse distribution*. The following figure shows possible visibility and communication within a supply chain.

Visibility and optional communication within a complex supply chain

In the military, the following factors are considered by experts as essential for success in logistic support: (fighter) consumer's needs, information and communication technologies, the deployment of the armed both in national territory and in foreign theaters; interoperability, regulation of specific military domain, information about the environment in which military actions take place, including those relating to the enemy; specific requirements of the mission[14].

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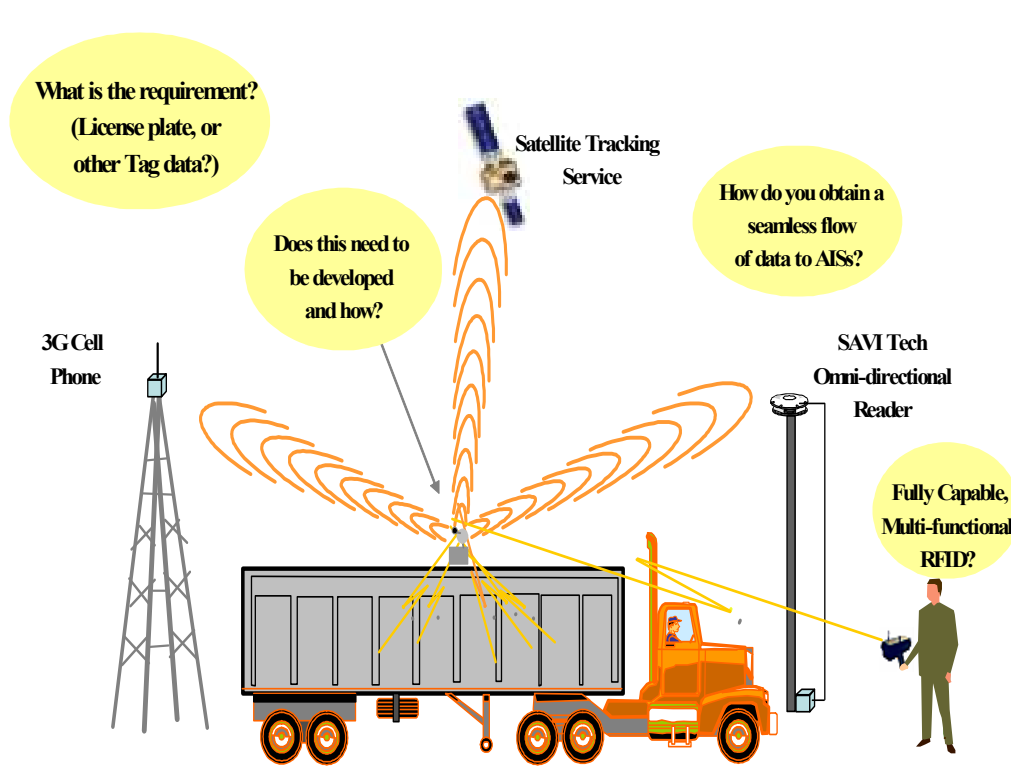
[14] Dr. Kristine Lee Leiphart, *Creating a Military Supply Chain Management Model*, USA, 2001.

As you can see, the chain structure is relatively the same, both for the military and civilian, although there are some essential differences. The most obvious are the transport and storage, which indicates that, in the military, a number of components and equipment can be used both ways, especially for maintenance and medical support. Also, the maintenance is not considered as a distinct field within civilian companies. Other differences were identified in the external factors that influence supply chain: *increasing interoperability between different military domains within the C4I system (command, control, communications, computer and intelligence system), deployment of forces and requirements of the mission*; these being specific for the military environment.

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In Romania, the term supply chain has been recently perceived, and in most cases, both in private companies and public sector, *"rings that form the supply chain"* are often managed in isolation, thus being absent the integration between the various logistics functions, integration particularly necessary to achieve the objectives of efficiency and leadership. It is also an essential condition for development and growth of enterprises and of the entire economic system of Romania, for optimizing the logistics chain components and also for their successive integration in order to manage and coordinate in a unified and unique manner. Only after the integration of logistics functions within a single company has been made, ambitious and successive levels of efficiency can be achieved, integrating also the logistics functions of the other protagonists of economic and technological development: the Supplier, the Manufacturer, the Customer. Then, an important change in management should be made in order to integrate effectively the objectives of those three.

Promotion of advanced logistics requires professional staffing, with regard to the achievement of objectives which include: globalization, internationalization of the supply chain, development of the Internet and e-commerce and outsourcing of logistics services.

Making logistics a third part is a growing attitude throughout Europe. Producing and distributing companies tend to make complementary activities a third part, and distribution is one of them. Meanwhile, on the other side, logistics providers continue to diversify and improve the offer.

Successful logistics managers of the beginning of the 21st century will be those who, according to specialists, will have an overview of the strategic plans of their own companies and understand the role of the supply chain in the successful implementation of these plans. However, logistics managers will cooperate with the departments of marketing, production and finance to identify the types of activities that add value to products and services of their company.

Logistical challenges for the early years of the 21st century were many and varied. One thing however is certain: *logistics has a significant strategic role in achieving competitive advantage by companies in terms of global market competition[15]*.

In conclusion, for achieving the objectives of supply chain, we consider that logisticians will have to adopt the planning processes, implementation and control of effective and efficient flow and storage in terms of costs, raw materials, products in production, finite products, from the point of origin to the consumption point, in order to permanently adapt the effort of specialized companies to customers' demands.

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[15] www.uem.ro/.../logistica%20marfurilor.../cartea.pdf

ISSUES CONCERNING
THE PROBLEM OF BIOTERRORISM

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The nature of the bioterrorist threat requires the development of countermeasures for states all over the globe because bioterrorism is a common issue for all states and involves embracing joint solutions. In the article the author describes the threat that bioterrorism represents and elaborates concrete proposals regarding the improvement of the authorities' reaction to a bioterrorist attack.

The vulnerabilities to NBC (nuclear, biological, chemical) threats and dangers have been and still remain high. Nobody can afford to disregard or to understate them. The unprecedented development of nuclear and chemical industry, the emergence and development of binary weapons, of genetic weapons and other means which can always be easily converted into lethal or non lethal weapons (but still weapons) and their ability to be used by criminal networks, by organizations and by terrorist groups further enhance this type of threat. They are not used by a limited number of persons or in a specific area, but globally. Since the discovery and use of chemical warfare and nuclear weapons, these means have become a general threat, globalizing the war. Therefore, the NBC defense remains a priority at least for the near future[1].

The risk of the use of bioterrorism is increasing given the augmented ethnic and religious violence and human rights violations[2]. International treaties related to these types of weapons do not provide sufficient control

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[1] http://cssas.unap.ro/ro/pdf_publicatii/cs03-04.pdf

[2] Moreover, terrorist groups may use biological agents not only to kill the enemy, but also to reduce the capacity of opposition. Such agents can be used as blackmail tools for achieving political or financial results.

measures. Therefore, the fight against terrorism requires the involvement of both states and non-governmental organizations.

Biological risks give a new dimension to possible terrorist attacks, accidents, natural disasters and / or pandemics because of their transnational aspect and the large number of casualties. An appropriate response to such a danger not only includes ex post intervention programs, but must be elaborated in much earlier stages, when handling these materials, by appropriate storage, limited access and control, etc. Meanwhile, the interventions after an incident require extensive cooperation between different authorities in a state which is member of the E.U. (civil, military, police etc. protection), and between national authorities and E.U. corps. Therefore, a coordinated approach is needed for all types of disasters.

The bioterrorist hazard phenomenon, the development of more and more destructive forms and techniques for society as a means of influencing national and international communities and the weakening of global stability led to joint action to tackle it and achieve a common front, a coalition of global amplitude.

The risks of bioterrorism are on a worldwide scale. There are no borders in spreading smallpox, anthrax or plague. The threat is global and therefore the response must be global. United Nations (UN) considers that cooperation between international, regional and sub-regional organizations is essential. The international community must prevent the possession or use of weapons of mass destruction (WMD) by non-state groups or entities[3].

Some authors[4] have described the use of biological weapons by terrorists as reasons for the following aspects: the desire to cause the death of a large number of people, the desire to disable the enemy, political or criminal reasons, and the decrease of trust and stability of a state[5].

Also, Jonathan B. Tucker has identified some of the motivational factors for people who use biological weapons as follows: lack of external constituents, apocalyptic ideology, paranoia and grandeur, the defense by assault, capturing the attention of international media, causing economic damage, the superiority complex, imitating God, the aura of science, etc[6].

To effectively prevent and combat the risk of bioterrorist attacks, it is necessary to improve cooperation and exchange of best practices between

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[3] Ciobanu, Oana-Magdalena, *Bioterrorism – the invisible enemy*, „Intelligence" Magazine nr. 14/2008, p. 16.

[4] Carus, W. Seth, *Bioterrorism and Biocrimes: The Illicit Use of Biological Agents since 1900*, Fredonia Books, Amsterdam, 2002, p. 10.

[5] Clauzon, Lorene, *Guerre biologique et bioterrorisme ou comment la nature devient une arme (these presentee et soutenue publiquement)*, Universite „Henri Poincare", Nancy, 2009, p. 45.

[6] *http://cns.miis.edu/research/cbw/toxch.htm*

states which are members of the E.U. and the states that have developed expertise in biological risk assessment, prevention, detection, communication and response, such as USA, Australia and India. It also requires common policies to encourage the restoration of land affected by biological contamination as soon as possible, to restore normal use of soil and land, thereby reducing risks for peoples' health and the environment.

The society remains very vulnerable to bioterrorist attacks, which, in the coming years, could expand and diversify their effects in reaching catastrophic levels.

Perhaps in the coming years the main effort of international terrorism will focus on the use of specialists to adapt the biological agents and the means of delivery to the type of action covered by terrorist strategies. In this regard, large urban areas, means of transport and, possibly, military units, schools, institutions and even some international institutions and all U.S. allied countries will be targeted.

Analysis of current situation allows the assertion that the possibility of terrorists using biological agents is a real threat. It is difficult, even impossible, to predict when a bioterrorist attack will be committed, so the threat can be summarized in one sentence: "The key is not to know if it will happen, but when." For this reason, intelligence and internal security play a major role in identifying potential threats through their attribute of collecting information.

Nationwide, one of the major problems lies in education and training of personnel involved in preventing and combating bioterrorism, firstly medical personnel, police personnel, intelligence services and civil protection. Information on CBRN (chemical, biological, radiological, nuclear) weapons are considered sensitive or classified and detection and response (combat) procedures are kept in the confidential area.

Protection and defense against bioterrorism requires prompt intervention from specialized institutions and structures that must be an interface between the scientific world and human society which has to be prepared and defended through special means from this type of terrorism which remains, judging by the degree of danger, the number one threat that all states deal with.

Therefore, we believe it is necessary to establish a national system to respond to emergency situations. It should eliminate the effects of biological attacks (CBRN attacks in general), including those carried out by terrorists. Measures within this system could include, inter alia, the following aspects: location and isolation of the biologically attacked areas, prevention of spreading the contamination to other areas, prompt intervention of specialized structures to treat population and decontaminate the area and other strictly specialized measures.

Response to bioterrorism must be well coordinated and integrated, as it mobilizes diverse human and material resources and involves multiple institutions and authorities - Ministry of Health, informational services, public order and safety services, customs, civil protection services, etc.

At present, not even the major gateways into the country (like airports) are ready to intervene if the patient is suspected of Ebola, hemorrhagic fever or shows symptoms of diseases that are transmitted by air and that could affect entire cities. To limit the risk of epidemics special protective suits, mobile laboratories with decontamination capacity, quarantine facilities, trained staff etc. are necessary.

In our opinion, the national response and reaction to a bioterrorist attack must be based on an integrated model consisting of the following components:

a) Public order policemen. The first police officers notified are members of law enforcement and public safety responsible for general missions, that will have to be able to take measures to ensure their personal protection, to report on the situation to the various responsible authorities, to observe any symptoms, to provide a safety perimeter around the place of the attack and to conduct all other activities that the specialized teams will require.

To achieve these activities, police training is required for the policemen who ensure the public order, for those who do field work, who are in the "front line" against crime. Training should aim at acquiring knowledge on the recognition of potential bioterrorist indicators, handling suspicious, unknown letters or packages, etc.

b) *Specialized police structures.* These teams are made up of officers who will take the most important provisions in case of attack. They must be equipped with personal protective, biological equipment, must have completed a training program and must have operational support. Policemen in these structures must be able to disarm improvised dissemination devices, to limit the effects of attack and to proceed to an examination of the place of the offense, especially to collect evidence samples from contaminated areas[7].

The success of the intervention measures implemented depends on the achievement of a professional training[8] regarding the identification of potential risks and attacks, on the use of personal protective equipment, on devices and methods which would reduce the consequences of an attack, on the concept of inter-operation and support systems.

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[7] Police operations at the contaminated site must rely on an effective decontamination system which applies to team members, equipment both when entering and leaving the area.
[8] Policemen who intervene after a potential bioterrorist act must do so within the limits of professional expertise, personal safety being a priority.

The police structures must also consider the possibility to accommodate officers from specialized structures (the assault response teams) throughout the investigation. Policemen charged with solving the case may also be exposed to biological agents and therefore be infected. In this respect, it is recommended that the policemen should not come in contact with their families during this period, so ensuring new housing would be necessary to prevent contamination.

c) Biology specialists. These persons must be able to provide real time support and advice on the features and the production of biological agents, on area security, on medical and decontamination intervention teams.

d) Medical teams. They must be at the place of biological contamination in order to take care of the police intervention team. Any person entering or leaving the area should be subjected to a medical surveillance. It is especially important that the staff be able to administer to the intervention team preventive treatment against accidental exposure to a biological agent. Depending on the suspected biological agent used in the attack, medical personnel must administer antibiotics or vaccines and also provide medical supervision for a specified period.

e) The investigative bodies - are composed of prosecutors, police officers working with health services and other pre-established services which will cooperate during the investigation by sharing information and ensuring operational support.

f) The personnel specialized in public communication and media relations: this category includes press officers and spokespersons operating within the police and public health services and other bodies. The use or threat of use of biological agents by terrorists is likely to produce important psychological effects among the civilian population, which can create difficulties for law enforcement services. Intervention plans should include a communication strategy in relation with the media[9]. Structures charged with law enforcement and health, medical and political authorities need to communicate statements quickly to media to ensure dissemination of accurate information and calm the state of confusion and fear among the population. The joint team responsible for relations with the media must participate in training and operations.

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[9] Examples of media strategies: making statements on radio and TV within joint press conferences by; clearly indicating what is known and what is not known; developing an action plan to convince people that an investigation is actively carried out; ensuring that any request for a public action is clear and concise; encouraging the media to disseminate information in coordination with the joint team responsible for media relations; admitting that the media is the main source of public information; media approaching the event in a serious manner can encourage people to approach law enforcement services with useful information on some suspicious activity.

To assess the functioning of the proposed system, we believe it is necessary to organize a national simulation exercise of bioterrorist attacks. These will test the ability to defend the state against a biological attack, the preparation of people in case of crisis, crisis management, etc.

In the context of biological attacks with anthrax carried out in the U.S. in 2001, the response of the authorities had a special connotation. Therefore, we believe it is necessary to adopt a public, unclassified procedure in the Ministry of Interior referring to the method of intervention in case of discovery of envelopes or packages suspected of containing biological agents. They may represent a hazard to people, especially when found in public places (stations, airports, shops, public transport etc.).

From the moment of receiving the notification or alert regarding the existence of an envelope or package suspected to contain biological agents, it is necessary to establish a dialogue with the complainant. The dialogue aims at a first assessment of the notification and informing the plaintiff what conduct to be adopted, determining whether intervention on-site of the CBRN team of specialists is necessary. Early intervention services must be provided by police and medical services. Personnel providing intervention must implement the regulations proper for biological risks before conducting any operation of handling suspicious substances.

After lifting and carrying suspicious substances to specialized laboratories, these will be subjected to a special examination to determine the presence or absence of biological agents. All activities included in the authorities' intervention must be based on protecting the intervention teams, the people exposed to biological agents and limiting the expansion effects of biological agents.

Among the new problems that require the involvement of intelligence services there is the defense of the border and other points of entry for persons and goods against biological weapons and related threats. In the past, there were intelligence and operational failures resulting in failure of foreseeing terrorist attacks and services had neither the knowledge nor the capacity needed to prevent them.

Civil society must be mobilized and informed of the bioterrorist threat by initiating and carrying out media campaigns in this regard. Transparency is now an indispensable condition for the preservation of public confidence in state institutions.

Therefore, we believe it is necessary to initiate and develop an effective information campaign to prepare public awareness about the threat of bioterrorism and what measures might be needed after such an event, as part of crisis management response and management of consequences, in order to maintain any affected areas of critical national infrastructure.

All in all, we believe that no country is prepared enough to deal with bioterrorism. The vulnerability of any state to bioterrorism is undeniable, regardless of resources (financial, human, etc.) allocated in this area by the states. Preventing terrorism, which is a major target for all states, is a difficult task because terrorist groups have crossed the threshold from traditional attacks to using unconventional means - weapons of mass destruction.

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LEADERSHIP ISSUES
INVOLVED IN PROJECT MANAGEMENT

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No matter how gifted you are professionally, if you find it hard to work with people, you will never be a good project manager. It is well known that a great deal of a project's success depends on the way the people in the team perform – and the project manager plays a central role in this. It should be commonsensical that Project Management is not a purely technical discipline conducted in some dark corner of an office building. An important part of the role the manager plays involves establishing effective relationships with a wide range of people and maintaining them even in sometimes challenging circumstances. A key saying for this domain could therefore be: project managers manage first and foremost people, not papers or activities.

Generally speaking, in the specific literature in the domain, *leadership* and *management* are terms widely used and many times – although mistakenly – interchangeably, although there are recognized differences between them. The most common view is that a *leader* focuses on long-term goals and final objectives and makes plans, at the same time inspiring people to reach those goals. A *manager* often deals with the daily activities in order to meeting specific, short-term goals. More often than not project managers need to be both leader and manager. Good project managers must be aware of the needs and requirements of the stakeholders and organizations involved in their projects, so they must be visionary in guiding these projects and even suggesting future ones. However, they must do this while paying attention to the details and daily tasks, being organized and effective. Above all, good project mangers must concentrate on and aim at achieving positive results. The present paper refers to the specific qualities and the acquired skills, fundamentally necessary for a project manager to do his – her job properly, in the best circumstances, at the same time obtaining the best results.

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Obviously, each project has its particular character, but there are skills which may be important in all projects. First of all, the project manager should possess general management knowledge and skills. Secondly, they should be able to understand important topics related to financial issues, accounting, sales, marketing, contracts, logistics, strategic planning, tactical planning, operations management, organizational structures and behavior, personnel management. These include understanding change and understanding how organizations work within their environments and specific domains. The project manager must be able to delegate responsibility for some of these areas to different team members. At the same time he / she must be experienced enough to know who is qualified to do the respective work and also possesses the attitude needed to do it.

Achieving performance on projects requires excellent human relations skills. Thus, effective communication, influencing the organization to get things done, motivation, negotiation, conflict management, and problem solving could all be considered essential. The project manager needs to possess active listening skills and the ability to develop and adapt different approaches in order to solve problems. The project manager must lead their teams by providing *vision*, a specific leader behaviour, being able to delegate work, creating a positive working environment, and setting an example of appropriate and effective behavior. They must encourage the development of teamwork skills in order to use people effectively and keep them motivated. They must be psychologically strong which will help them maintain their self-confidence and positive attitude and reduce their stress levels even in tough circumstances. Finally, the project manager should be creative and flexible, but dilligent and persistent.

In the past, there was this view that managers do not need to be popular, on the contrary, they must not be so likeable and liked by their teams in order to be effective. It is true that for certain autocratic or even dictatorial project managers this philosophy worked and even brought a certain amount of success. On the other hand, it is also true that such success is short-lived and rarely repeatable. While it can be said that project management is not a popularity contest, as a project manager, nobody would be extraordinary without the sincere respect and support of his / her team and other key individuals involved in the project.

A successful project manager is one who can repeat the success he / she enjoyed with a certain project with yet a new one, by repeatedly building effective teams – sometimes using different personnel or personnel regarded as average workers. The essential thing in doing that is developing a reputation based on respect – respect for him / her as specialist in the field,

having a lot of knowledge regarding the job to be done, and respect for the manner in which he/she carries out their role. It may not be fair to say that, but it is true: the manager also needs to possess at least a set of likeable traits of character and behaviour.

In this respect, the first thing and probably the easiest to do is to start the day / meeting / workshop with a smile. Quite often teams have low expectations from their manager in point of behaviour, especially towards them. That is why simple displays of good manners are a good first step. It is sometimes amazing how productive cheerful "good morning" and "good night" and "have a nice weekend" are. It is a very simple and surprisingly effective manner of work. However, this polite behaviour should be addressed to everyone, no matter if their positions in the organization are important or less important or if they are young or old, beautiful and smartly dressed or not, talkative or introverted, likeable or not so likeable themselves.

Of course, this is only the first thing to do and of course it will take more than a cheerful "hello" to get the team working at the highest parameters possible. First impressions are always essential. If a project manager gets off to a poor start with his / her team, it is very hard to recover their confidence and support. Thus, form the beginning, one should be aware that the most effective techniques to be used could be grouped in three categories:

1. Building a good team – by recruiting team members and starting to create the team spirit among them.
2. Motivating the team – by using specific strategies and techniques for improving the team's productivity.
3. Providing leadership – using visionary skills, setting direction, and building a loyal following.

Building a good team

More often than not, project managers have to start building their teams from scratch or, at best, they take over an already formed team which may have proven quite ineffective in implementing other projects. There are also some practical constraints that will be encountered when assembling a team among which budget constraints, preventing recruiting too many or too specialized people, or staff constraints, caused by the fact that the best performers are involved in other ongoing projects. All this always happens when being confronted with an acute sense of urgency to start the project. In this context it is essential not to allow yourself as a project manager to be rushed into making fast decisions. It is never a good idea to recruit indiscriminately or to think that anybody is better than nobody. Project managers must make sure they always have the right people available when they are

needed. The activity of putting together the right team should be driven by the resources and by the expected time framework for the phases of the project.

The time that is spent on introducing a new resource, in this case a new team member, is usually underestimated. The considerable waste of energies and consequent drain on current team members as they tell the new member what he / she needs to know about the project, the stage reached, and his / her responsibilities, are also often overlooked. The effect is that the recruitment of other members after the project is initiated will lead to a diminished team capability for several days and even weeks.

There are a few ideas that should be taken into consideration while dealing with the recruitment of the team. They pertain to common sense and could be put together under the following headings:

- Recruiting the key team members should be a priority;
- Assessing the personnel "on offer" should be made by the project manager himself / herself;
- Thinking about the mix of people who should be working well together.
- Looking for a positive attitude from the possible team members;
- Keeping in mind that it is crucial to involve the right people for the right jobs.

Motivating the team

From the point of view of managing the project team, a good project manager should have as one important objective increasing the team productivity. It goes without saying that everyone has a tendency of working slower than normal if they are demotivated. Motivating a team can require persistent and carefully-directed effort, while demotivation can be achieved in an instant.

Thus, by being inconsistent for no reason, by asking team members for their view on facts and then ignoring them, by not working side by side with the team members, by taking all the credit for successes and no blame for the failures, by making vain promises, the only result that will be obtained is demotivation. At the same time, if the project manager creates a gloomy outlook from the start, pessimism will be contagious for the whole staff, while if the project manager is optimistic and thinks that the work ahead is tough but doable, it will be easier for the staff to become well motivated.

A first step in achieving a high level of motivation for a team is avoiding anything that might demotivate its members. Then, the project manager should set clear objectives and specific tasks for each team member. The team member should also have a good understanding of what is going on in the project as a whole. The workload and the efforts needed across the team

should be properly balanced and consistent with its capacity. It is terribly demotivating to be asked to do more than you can (physically, mentally, and in accordance with the deadline) or to be working hard while others are hardly working. Furthermore, team members should be appropriately involved in the decision making process and their input should be taken into consideration in the analysis which precedes any such process.

Form the point of view of motivating individuals, several strategies could be considered. Among them, the sense of achievement and satisfaction gained as a result of seeing something completed, the inclination towards challenging jobs, the possibility of advancing in one's career, the intellectual reward of being able to fulfill a task which requires considerable thought or ingenuity, and last but not least, the financial reward. Mention should be made of small but enjoyable tokens of appreciation for the members of the team who have proven to be most committed and hardworking.

Providing leadership

Even if the team is formed and people are motivated, if the project manager does not have a clear picture about the end-product of the project and the ways to obtain it, it will be impossible for him / her to provide effective leardeship. Thus, a solid plan and a comprehensive understanding of the whole matter are essential for providing leadership, but these are only two of the key aspects. The behaviour of a good project manager should be an inspiration for his / her people by working in such a way that creates confidence and prompts people to do their best to achieve the expected results.

Good project managers are able to adapt their leadership style to suit the project by taking into consideration the people and their organizational culture, the specificity of the project, and the list of project priorities. That is why, he / she must realize when it is time to change their style even after the beginning of the project. Most of the time, a consultative approach is more productive than an autocratic one, as people tend to work better when they feel involved. However, it is the duty and responsibility of the manager to listen to everybody but ultimately make his/her own decision.

There is also another aspect that should be taken into consideration: the manager's degree of involvement in the actual work. If the manager used to be a team member himself / herself, it will be quite difficult for him / her to conceive that someone could do things better and faster that he / she would have done and still would do. Hence the need to interfere and use his / her experience for solving matters which do not pertain to his / her area of responsability. This behaviour could prove a disdvantage for the team as they may feel undermined through constant intervention and for the manager

himself / herself, as his / her attention would be diverted away from project management responsibilities. On the other hand, if the manager does not intervene at all, he / she could become out of touch with what is happening "in the real world" and also appear remote and maybe even aloof from the team members. Obviously, in this case too, the key word would be balance between direct involvement, confidence in the capacity of the team to follow directives, and even delegating competence.

Finally, in times of crisis – which inevitably appear in any project – a project manager's skills, especially people skills, are put to the test. For someone who is willing to motivate their team and to achieve long-term success, a crisis can be seen as an excellent opportunity to create confidence and goodwill among members of the staff. Before prompting people to admit responsibility for something that is going wrong, a good project manager should look for ways to fix the problem. It is essential to remain calm and to concentrate on working out a solution and such ponderate behaviour will certainly be appreciated and remembered by the team and will result in creating a positive and beneficial attitude.

Conclusion
No matter one's ability to produce sound project plans or to maintain control over risks and costs, for a good project manager, people skills are at least equally important. Many types of leadership styles may function well, but it is important for the manager to adopt the style that he / she is most comfortable with at a certain moment and not be reluctant to change it if circumstances are as such. The consultative approach is known to give good results, but this does not exclude showing that the project manager is ultimately responsible for everything that happens on the project, including taking the most important and / or delicate decisions.

In addition, if obvious motivating and demotivating factors are taken into consideration and the project manager always keeps in mind that the team is made up of individual characters, the team members that the manager will always consider for his / her projects will also be very keen to work with him / her, and consequently obtain the best results.

The conclusion is that being able to maintain effective leadership over people in the team is the key to keeping employees performing at their best. We considered it useful to include in this final part some tips[1] to help the manager produce and maintain effective leadership during the project and not only.

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[1] Adapted from http://www.projectmagazine.com/leadership-skills/355-12-tips-for-effective-leadership, accessed on February, 27th 2012.

- Manage your work and your employees by objectives.
- Instruct your staff on exactly what they should do and provide them with necessary supervision only when it is absolutely necessary.
- Have an open door policy and make time to listen to your people when they need or to talk to you.
- Remember that people are the most valuable asset, so constantly make your employees feel important and valuable to the project.
- Try to create such an environment in which people feel confident about their duties.
- Keep your word no matter what you say, so that people should know what to expect from you.
- Do yourself what you want your team to do, starting from respecting the work hours and ending with delivering what should be delivered before deadlines.
- Pay attention to the way you are dressed and to your posture, for it is well known that both employees and possible customers judge you by the way you act and look in the first minutes after you have met.

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CONSIDERATIONS REGARDING THE PLACE
AND ROLE OF INTELLIGENCE FPR NATIONAL SECURITY

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The place and the role of intelligence within national security are determined by the capabilities of the inter-institutional structures specialized in planning and directing, collection, processing and disseminating information and data from areas of interest.

Against this background, data and information represent the primary components of the intelligence sub-system, without which one cannot carry out an efficient activity to assess and disseminate this information to the decision makers.

Thus, the place of intelligence within the system of national security is important, because it provides the necessary conditions for efficient decision making process and augments the capability to act of the inter-institutional structures.

In the current security environment, the role of intelligence has grown considerable, given the participation of Romania in missions overseas under various mandates and the need to provide early warning, the identification and evaluation of risk factors, the counterintelligence protection of operations, which all are the core tasks of the intelligence structures present at national level or deployed in the theaters of operations.

Keywords: information,   security   system,   intelligence   system, information superiority, integrated intelligence system

National security is a complex concept that expresses the capability of the state to evaluate the strategic environment, to identify the main risks and threats and project the values, interests and national objectives.

The accomplishment of these goals requires the set up of a security system, which would include the inter-institutional structures with competences in this field.

Within the security system there are specific subsystems for the fields of activity regarding internal security, good governance, and economic development, the modernization of the institutions with responsibilities in the field of national security, the development and the protection of infrastructure.

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Against this background, the intelligence subsystem, comprising inter-institutional specialized structures, represents the integrating element designed for the collection, dissemination and assessment of the information relevant for the field in question, in order to identify the characteristics of the geopolitical and geostrategic situation and ensure the efficient decision making at the politico-military, strategic, operational and tactical levels.

Thus, we consider that the intelligence subsystem includes a network of specialized structures that act according to a unitary concept, using specific methods and means in order to ensure the necessary conditions for the evaluation of the strategic environment, the identification of symmetrical and asymmetrical risks and threats and the prevention of the all array of military and non-military manifestations against the national security.

The elements of the intelligence subsystem act during peace time in the area of strategic interest for Romania, and augment the specific missions during crises and wartime, providing timely and efficient data and information to the decision makers regarding the potential risks and threats at national and transnational level.

In this sense, there is a permanent flow of information within the intelligence subsystem, which came from various sources: technical and human, official and public.

Data is a notion (entity) represented conventionally by number, size, relationship etc. which is used to solve a problem or which is obtained as a result of a research activity and which subsequently undergoes a process of processing at various time intervals. The significance transmitted after the process represents the information. Thus, one care realize the function of the intelligence system, materialized in the collection of data about the led system (operational system) and providing the intelligence to the decision making system (leadership).

The notion of information is defined as a „communication, news, which updates one regarding a situation; knowledge about a person or about a thing; the totality of the material to inform and document, sources; each of the new elements, compared to the already existing knowledge, which are included in a symbol or a group of symbols (written text, spoken message, images, indication of a instrument)"[1].

Information is the „fundamental object in the communication of knowledge. Any information may be considered under two aspects: one of significance (semantic content) and one of structure (syntax)"[2].

It results the fact that data and information represent the primary components of the intelligence system, without which there can be no

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[1] *Romanian dictionary*, Editura Univers Enciclopedic, Bucureşti, 1998, p. 491.

[2] *IT dictionary*, Editura Niculescu, Bucureşti, 2000, p. 162.

efficient process of evaluation and dissemination of the information to the decision makers.

The capability of the leadership structures from all hierarchical levels to obtain, process, evaluate and disseminate data and information of interest in real time is the core task of these structures.

Against this background, we consider that the need for data and information obtained, processed and transmitted in real time about the area of interest led to the augmentation of the role of intelligence and the importance of the intelligence products.

At a decision making level, the concept of *informational superiority* is defined as „the capability to collect, process and disseminate information on a permanent basis, in parallel with the exploitation or mitigation of the intelligence support capabilities of the enemy forces"[3]. The processes of collection, processing and dissemination must ensure relevance, timeliness and accuracy of the information for the proper functioning of the subsystems comprise the system of national security. The ultimate goal is to have a continuous operational picture of the security environment.

Another function of the intelligence is its capacity to formulate forecasts, prognoses, and estimates regarding the security situation in a certain geographic area of interest, in order to adopt the most suitable decisions regarding the prevention and action in order to prevent conflicts and manage crises.

Presenting these problems is a confirmation of the fact that the *place of intelligence* within the system of national security is important, because it provides the necessary conditions for taking efficient decisions and it increases the capability to act of the inter-institutional structures.

In other words, all the processes regarding planning, organizing, control and evaluation of activities and actions in the field of national security are based on the use of information and intelligence and their products, obtained and transmitted via the communication and information technology systems to the structures that are included in the operational plans.

From this point of view, we consider that, given the current security environment, the *role of intelligence* has grown considerable, since the participation of Romania in overseas missions under various mandates and the need to ensure the timely warning, the identification and evaluation of the risk factors, the counterintelligence protection of the actions, those being the core missions for which the intelligence structures at national level or deployed in theaters.

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[3] Gl.conf.univ.dr.ing. Sergiu T. Medar, *Military intellgigence against the background of the current security environment.*

The last military conflicts pointed out the importance of the intelligence in the prevention of surprise, the correct assessment of the situation, the decision making, the planning and carrying out successfully of the joint military actions.

Against this background, the *role of intelligence* in the management of the national system involves:

a) *integration of the elements* which trigger at the level of the manager the reaction *decision-action*;

b) *the bi-univocal relationship* of this with human resources, technical and logistical means, objects, time, space and functional relationships;

c) the existence of a novelty or a piece of news about forces, events, actions, ideas, opinions, experiences etc, all of them compared to the past, present or future;

d) *the reflection of interests and will* of the decision makers;

e) establishment of direct contact of the decision makers with those who act directly to accomplish the predetermined objectives.

The most evident expression of the determining role of information is the early warning.

The need for a thorough analysis of the results of the intelligence, as well as the correct interpretation of the information, corroborated with the main indicators of reporting and early warning, represent an important activity of the prevention and reaction mechanism, in order to take all the appropriate measures according to the type of crisis forecasted by the situational assessment process.

In the situation when the information confrontation is the key of the conflict, its role is decisive. This is expressed by the fact that the strategic objectives of the respective actions are carried out through the success of the operations developed by the intelligence structures, which prevent the escalation of the conflict and ensuring the maximum reduction of the confrontation via violent means.

Following the analysis of the role and place of intelligence within the national security system, one points out to the following specific activities carried out by the specialized structures:

a. the ongoing evaluation of the risks and threats symmetrical and asymmetrical, conventional and no conventional, military and non-military, in the area of strategic interest for Romania, in order to evaluate and model the security environment at national and transnational level;

b. the timely warning of the decision makers at all level of hierarchy, but especially at the politico-military and strategic level about the risks and threats against the national security;

c. providing data and information of interest in order to avoid surprise in the specific domains regarding national security, especially in the economic, technology, diplomatic and military domains;

d. processing and disseminating information to the management structures in order to base and render more efficient the activity in the fields specific to national security;

e. ensuring informational superiority in order to increase the reaction speed and the capability to act of the intervention structures and the protective and proactive capabilities;

f. gathering, processing and disseminating the intelligence in order to prevent the situations that can be created by the terrorist phenomenon and by the cross-border organized crime.

It results the extended array of activities developed by the inter-institutional intelligence structures so that their products will be used successfully by the decision makers in order to anticipate crises or conflicts in the area of strategic interest for Romania and act proactively to solve the situations created.

This is the motivation we consider in order to design and turn operational an integrated intelligence system that would ensure the decision making advantage in solving the situations which can affect the national security of Romania or EU and NATO interests in the area of responsibility.

The integrated intelligence system is, in our opinion, an inter-institutional structure, modular and flexible and sustainable, which ensures the collection, evaluation, processing and dissemination of data and information of interest to support and inform the decision making process in military and non-military actions at national and international level.

This system includes the command and control subsystem, the execution and support subsystem, which act, normally, at the politico-military level, and so, some of the management and execution modules can participate in the development of specific missions nationally or overseas.

The efficient action in the process of gathering, processing and disseminating information takes into account the implications of information technology development and evolutions, which implies transformations of the operational environment which changes into an informational environment.

In conclusion, we consider that the place and role of intelligence within the national security present on one hand advantages in the processes of forecast and decision making and, on the other hand significantly contributes to the transformation of the operational environment into an informational environment, where the information and its products have a decisive role in achieving victory.

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ASPECTS OF THE HAZARDOUS EFFECTS OF TERRORISM AND ORGANIZED CRIME AT INTERNATIONAL AND REGIONAL LEVEL

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The extremely serious events that changed the world (New York, Madrid, London) were generated and integrated approach to the new security concept according to which the global is threatened primarily by terrorism, as a side effect globalization. Through the irresponsible and unprecedented attacks, once again is confirmed the legalization of terrorist act on the common people, innocent, by which it aims to amplify the emotional states at national level but also of state authorities. The terrorism, as international crime, do not singular acts, but into connection with his other crimes or crimes committed in internal or international community, which can be identified in a large conceptual framework, the one of organized crime.

Keywords: terrorism; criminality; XXIst century; indissoluble connection; threats.

Not every criminal behavior that causes terror is an act of terrorism[1] as no any actions undertaken by united people in various groups reveals the organized crime[2]. However, these two types of crime falls in the crime category, one for political purposes, and the other with financial and economic purposes, the difference of them being however fundamental at the level of objectives: terrorism wants to change the system, while the organized

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[1] Graham Evans, Jeffrey Newnham, *Dicţionar de relaţii internaţionale: englez-român / Dictionary for International Relations: English, Romanian*, Dalsi Universal Publishing, Bucharest, 2001, pp. 541-542 or: What is terrorism? Online: http://www.terrorism-research.com/ accesed in 2012-01-18
[2] National Securitiy Council, *International Crime Threat Assesment*, online: www.terrorism.com/documents/2006

crime have a profit[3]. However, to continue their illegal activities, both of them need money. In this regard, the political crime has used the violence, thing that it would not have done if it was financed. For the organized crime, the violence is not an objective itself but a means to achieve its aim, if she could carry out the affairs silently, would not resort to violence and, otherwise, this decreases when the criminals can make profits without any danger.

Organized crime is a major threat to the fundamental elements of democracy, which may create, based on the size and its area of expansion, an alternative political class, thereby placing in danger the social peace and the effective development of the country in which it manifests, development which is directly related to the very solidity of its security on multiple levels.

The international terrorism remains an extremely major challenge of our age. In addition to international terrorist networks has been extended to almost all parts of the planet, we should note improvement of strategies, tactics and weapons used by them. Particularly worrying is the prospect that the international terrorism to equip itself with items from the weapons of mass destruction arsenals. Into the local conflicts, these were multiplied at the turn of XX-XXI centuries. They accompanied the dissolution of the ex Yugoslavia Federation. And now, the international formulas applied in the Western Balkans (Kosovo and Bosnia-Herzegovina), without a real Euro-Atlantic integration, can affect the regional stability.

Terrorism and organized crime in the XXIst century

At the beginning of XXI century the terrorism is marked by the American tragedy from September 1, 2001 caused by the most feared and powerful terrorist organization of today.

Approaching the theoretical side of terrorism, is submitted, along with the anxiety that suggest such a danger, the birth of a dilemma arising from the Clausewitz definition according to which the war is the continuation of policy or the war is an end of policy.

The very serious events that "changed the world" (New York, Madrid, London) had generated and integrated approach to within the new security concept according to which the world security is threatened, primarily, by terrorism, as a side effect of globalization. Through the irresponsible and unprecedented attacks once again is confirmed "the legalization " of terrorist

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[3] G. Bică, A. Neagu, *Crima organizată şi terorismul / Organised crime and terrorism*, Documentation and Information Bulletin no. 3 (86), M.A.I. Publishing House, Bucharest, 2008, p. 216. To see this regard and Florica Marin, *The financing of terrorism*. Links with organized crime, Criminal Law Review no. 4/2010, Bucharest, R.A. Official Monitor Publishing House.

act on the common people, innocent, through which is aims to amplify the emotional states at national level but also of state authorities.

The terrorism, as an international crime, does not single acts, but in connection with other crimes or crimes committed in connection with an internal or international community, which can be identified in a broad conceptual framework, the one of organized crime.

The element that approach the terrorism to organized crime, is the existence of an organized criminal group acting after the establishment previously of the roles to each subject of this group in the criminal activity.

Besides, considered from another point of view, as an indissoluble link, as the part to whole, the acts of terrorism being included within the wider and comprehensive concept of organized crime, these can be considered part of many ways / events with the largest effect of organized crime. The element that probably closest more the terrorism to organized crime is *the acquisition of indispensable funds to design, organize and complete of the criminal activity*. Thus by drug trafficking, weapons, through money laundering, through human trafficking, smuggling of migrants, through diversion of aircraft for ransom, the assassinations, kidnappings, robberies, the financial and economic crime and cyber-crime[4] to the detriment of public or private agents from a state, through illicit operations to the detriment of the banking system, currency counterfeiting, identity fraud or smuggling community, as well as similar, even mafia, are extorted and obtained funds which then are invested in the organization of activities and terrorist acts[5].

This subchapter is intended to be approach among other things the idea that the media is "accomplice" of terrorists, because it is echo chambers for terrorist acts, these echoes could cause a "contagion" phenomenon in public. One formulation of this concept, says Joseph Băraru in the paper: "The crimes of terrorism" is in the famous statement by former Prime Minister of Great Britain, Margaret Thatcher, namely: "terrorists feeds from media advertising." It might be having justice ? If we look at logically the development of actions that must be implementing the terrorist act as well as its preceding ones, we realize that through the terrorist acts is generating emotional states with serious implications for interpretation procedures, evaluation, documentation

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4 Florin Postolache, Mihaela Postolache, Current and ongoing internet crime trends and techniques. Preventive and legislation measures in Romania, The 5th International Conference „European Integration- Realities and Perspectives", EIRP 2010, Danubius University Galați, http://journals.univ-danubius.ro/index.php/eirp/index
5 *Dumitru Virgil Diaconu, Terorismul: Repere juridice şi istorice / The terrorism: Legal and Historical Landmarks*, All Beck Publishing House, Bucharest, 2004, p 150

of nature terrorist acts. Thus, each actor, mass media and terrorist act is based on mutual benefit[6], or directly says, the initiators of terrorism legitimizes their actions through the media.

In Romania, the media consumer, eager for dramatic, there is only a small degree educated in anti-crime, and the reaction is based on instinct or adventurous spirit.

The link between terrorism and organized crime, which includes drug trafficking, is highlighted later in the Security Council Resolution No 1373/2001 on combating international terrorism, in which in paragraph 4 "It is noted with concern the close connection between the international terrorism and organized crime at a transnational level, illicit trafficking in drugs, money laundering operations, illegal weapons, illegal transportation of nuclear, chemical, biological and other materials potentially lethal", highlighting "the need to strengthen the efforts coordination at the national, under-regional, regional and international levels in order to enhance the international reaction to this serious threat to international security"[7].

The connection between terrorism and organized crime - either national or international - is so close that often border between the two criminal activities is difficult to establish. This difficulty increases as a consequence of that often the same organization carries out specific activities of organized crime and terrorist activities.

However, in order to operate such a tiebreaker is necessary to consider the whole elements of the crimes, with the goals they pursue. Thus, through the criminal act is intended to generate a profit, which may result in material or other nature benefits toward which he tends criminal activity either directly or indirectly. Terrorist act envisages a political purpose, aiming at changing or influencing the social system through policies which targeting in particular the system. Also, in terrorist act, the terror can be considered the main goal, being the dominant element, the substance of the terrorist act. In the criminal act is followed only the outcome of the crime which sometimes through the ways of its deployment, can generate by itself a certain terror but with a lower intensity in terms of scope and impact on the community.

Referring to another form of terrorism reflection, namely the phenomenon of ethnic separatism, it has risen in several areas: Transnistria, Chechnya, Abkhazia, South Ossetia, Nagorno-Karabakh, South-eastern regions of Turkey, Northern Cyprus, Balochistan, North-eastern states of India, the southern

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[6] Isabelle Marrou-Garcin, Media vs. Terrorism, Tritonic Publishing, Bucharest, 2001, cited by Iosif Bararu in the monography: "Infracțiunile de terorism: Legislație și procedură penală" / Terrorist offenses: Law and Criminal Procedure, Legal Publishing House, Bucharest, 2010, p 10.
[7] Security Council – S/Res/1373(2001)

provinces of Thailand, Aceh province in Indonesia, Sri Lanka Tamil areas, eastern Democratic Republic of Congo, Sudan's Darfur province etc. There are examples of murderous actions of territorial ethnic separatism[8].

Terrorism in its many forms is difficult to predict and ruled, while organized crime appear to constitute a vast and highly complex phenomenon. The legal framework for cooperation in combating organized crime and terrorism in the Black Sea Economic Cooperation Organization (BSEC), the economic cooperation organization most representative and most developed in terms of institutional representation, on a geographic area of 20 million square kilometers (the Black Sea countries, the Balkans and Caucasus), which provides the basis for strengthening practical cooperation between the competent authorities of Member States in combating these risks asymmetric[9].

In one of his papers, Clark L. Staten describe the terrorists such as natural microorganisms which experiencing natural changes to acquire resistance to adverse conditions in which they live. The aim of terrorists through their continuous transformation is to find new ways to more effectively design their force against civilians, and, not least, to survive[10].

In other words, according to assessments of C. Jura, *the main transformation that can be seen in the international terrorism is a shifting of terrorist motivation. This move is based on the other changes of terrorist phenomenon in the last years. It is about changing the structure of terrorist organizations, but also the change in the operational level, with serious consequences for the effects of terrorist attacks*[11].

The most dangerous present threat is considered the terrorist threat. The statement seems circumstantial, because, as you well know, not terrorism produces most of the victims, but hunger, poverty and malnutrition. However, terrorism deserves its grade of major threat right next to nuclear weapons, weapons of mass destruction, because of some particularly important features: unpredictability and astonishment, violence, cruelty; action in mosaic, complex character.

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[8] Maria Postevka, Politică $i Energie în EST : Cazul Ucrainei / Politics and Energy in the East: The Case of Ukraine, Top Form House, Bucharest, 2010. p 20

[9] Mihaela Postolache et. al., *The presence of North Atlantic Treaty Organization in the Extended Black Sea Region - Realities and perspectives*. Kuala Lumpur, Malaysia, 2011.

[10] Clark L. Staten, *Asymetric Warfare, the Evolution and Devolution of Terrorism*; Emergency Response & Research Institute, SPECIAL REPORT Part 1 and 2, Risk Assessment Services, Chicago, Monday, 27 April, vol. 1 – 003, 1998 Online : http://emergencynet-news.com/pdf/assymetric_warfare98.pdfn

[11] Cristian Jura, *Terorismul internațional. / The international terrorism*. All Beck Publishing Bucharest, 2004, p. 3.

Conclusions and proposals

We suggest:

- the identification of conditions leading to the spread of terrorism by improving national and international programs conflict prevention, negotiation, mediation, conciliation, maintaining and building peace.
- the granting of important initiatives that promotes inter-religious and intercultural tolerance, reducing the exclusion of vulnerable groups such as youth, and which promote the social inclusion.
- the United Nations member states should consider the needs of the victims of terrorism by the adoption of support systems at national and regional level.
- the initiation or further of states actions to prevent the terrorist access to resources and to protect certain vulnerable targets.

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CONSIDERATIONS REGARDING SOME CONSTITUTIONAL COURT DECISIONS ON MILITARY SPECIFIC LEGISLATION

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An organic law is defined based on a material criterion being adopted in express and limited to the domains stipulated by the Constitution, and on a formal criterion, a procedural one, which is adopted with absolute majority (half plus one out of the total number of each Chamber members), not being possible to be adopted during the prolonged meetings mandates period and neither can be the Government empowered to issue ordinances in the field reserved to organic laws. But this does not exclude the possibility for the Government to intervene with decisions in order to execute these.

Keywords: Constitutional Court; military legislation; organic law; Romanian Constitution; Parliament; Government.

The Constitutional Court, as a special and specialized political and legal body, has the role to guarantee, using the constitutional control, the supremacy of Constitution within the legal-norm system, also fulfilling different tasks given to it, in an express and limited way, by the fundamental law.

The regulations concerning the Constitutional Court are comprised within the Romanian Constitution title V and Law 47/ 1992 regarding the organization and functionality of the Constitutional Court. Through the process of Constitutional Court institutionalization Romania adopted the European model of constitutional control.

The Constitutional Court provides the constitutional control for laws, and international treaties, Parliament regulations and Government ordinances.

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To control these and the political party constitutionality can be functional only on demand otherwise the control of Constitution revised initiatives constitutionality is performed automatically.

The Constitutional Court takes decisions on different exceptions debated in front of a jury or commercial board or directly by the People Advocate concerning the unconstitutionality of laws and ordinances, and its decisions are published in Official Monitor being compulsory and having power only for the future.

It is important to mention the fact that in order to perform the constitutional control, the Constitutional Court can pronounce itself only on law issues without having the power to modify or adjust the legal issue which is subject to be controlled. It cannot pronounce itself on the interpretation and law enforcement way but only against its opposite Constitutional meaning.

Starting from these premises, we are going to present some considerations over two Constitutional Court decisions with profound implications on legal aspects which have had an impact on military personnel till now.

Thus, through *Decision no.174 from 23.05.2001* the Constitutional Court rejected the unconstitutional exception of Government Emergency Ordinance no. 136/2000 article 3 dispositions regarding the way to establish compensation payments and additional rights for military personnel and also Government Ordinance no.73/1999 ninth line article 86 dispositions concerning income tax, with additional adjustments regarding the repeal of some reductions or tax exemption on income for military personnel.

In order to motivate the unconstitutional exception the its author argued that through a simple Government Ordinance even an organic law provision had been previously modified, respectfully article 9 letter c) and article 10 from Law no. 80/1995 concerning military personnel status, with modifications and additional adjustments, which is against Constitution article 115 which states the fact that any ordinance can be issued only in those domains which are not organic laws subject matter.

Sustaining the author's exception arguments we can see that Constitution article 118 states in an express way the fact that military personnel's status is established by an organic law and, by all means, a status according to DEX definitions comprise all rights and duties along with the purpose, structure and the way to function for an organization or institution (the military one in this case).

Moreover, if in accordance with the social contract theory, the Constitution is superior to all other law sources in respect with the legal force, the organic law is infra-constitutional and over-legal, being in the chain of legal norms just after the Constitution and above ordinary laws.

An organic law is defined based on a material criterion being adopted in express and in limited domains stipulated by the Constitution and after a formal criterion, a procedural one, which is adopted with absolute majority (half plus one out of the total number of each Chamber members), not being possible to be adopted during the prolonged meetings mandates period and neither can be the Government empowered to issue ordinances in the field reserved to organic laws. But this does not exclude the possibility for the Government to intervene with decisions in order to enforce these.

An organic law is defined in accordance with a single criterion, the formal one, a procedural one, because the Parliament, having the primary regulation right, can adopt laws in any kind of domain which is considered as being necessary. If the legal procedure is common both for organic and ordinary laws, the ordinary laws will be voted with a simple majority (half plus one out of the total members present in each Chamber, the legal quorum being respected).

Any governmental ordinance is approved by an ordinary law and, in this respect, it is very difficult to accept the idea that organic law provisions are finally modified through an ordinary law which can be voted by a small number of Parliament members.

Such a conclusion might be imposed due to the fact that the organic law cannot be approached in a different manner after that, because a previous parliamentary vote would contradict, a vote which produced legal effects in the field of organic laws. Moreover, in our opinion, the organic law should be a self-standing entity which cannot be divided in organic and ordinary regulations without affecting the constitutional character of it.

Nevertheless, the Constitutional Court has come up with a theory which states that an organic law does not represent a whole but, within its framework, some fiscal domain aspects can have a regulation which does not interfere with the area of organic law.

The Constitutional Court considered that an organic law could comprise, due to legal policy reasons, also norms identical in nature with ordinary ones but this would not determine the development of those domains reserved by the Constitution to organic law and upon these norms and due to these reasons it rejected the high unconstitutional exception.

The Constitutional Court also maintained its arguments in some other decisions, out of which we want to emphasize *Decision no.76 from 07.03.2002* of rejecting the unconstitutional exception for Government Ordinance no. 73/1999 article 6 letter h) dispositions concerning the income tax, with additional adjustments, taken by Government Ordinance no.7/2001 article 6 letter j) concerning the unintroduction of uncommercial income as a

result of lawyer within the tax exemption category, as a result of performing an activity as lawyer by a war veteran, and also *Decision no.1466 from 10.11.2009* concerning the rejection of unconstitutionality exception for Government Ordinance no. 47/2007 art. I point 8 and art. II line (2) dispositions concerning the regulation of some fiscal measures, and the Ordinance itself, article II line (2) from Government Ordinance no. 19/2008 for modifications and additional adjustments of Government Ordinance no. 92/2003 regarding Fiscal Code and also the Ordinance itself, article 3 line. (1) letters g) and h), art. 10 line (1) and (2), art. 13, art. 19 line (1) and (2), art. 20 line (1) and (2) from Government Ordinance no. 71/2001 concerning the organization of fiscal activity, and also the Ordinance itself.

The Court's opinion is that the criticized ordinances settles domains which might belong to ordinary laws within the context of some organic laws that is why they would have been approved through ordinary laws. The fact that the legal acts which are mentioned here can modify an adopted law as an organic one doesn't necessary mean that they have the power to settle something within the domain of an organic law.

The domains which are reserved to regulation through an organic law are in an express and limitative way stipulated by Constitution, such as: electoral system; Permanent Electoral Authority structure; political parties organization, the way to function and to be budgeted; senators and deputies status; establishing income and rights for them; referendum organization; Government and National Defense Council structure; Armed Forces partial or total mobilization and war status; emergency situations; offenses, punishments and their status; collective pardoning and amnesty; public civil servants status; admin legal dispute; Law Superior Council organization; jury board organization; Public Ministry and Court of Account organization; inheritance and property legal regime; educational structure; local administration structure; territory and local autonomy status; work relationship status; syndicates, employers and social security; Romanian minorities status; religious status; defense structure; population, economy and territory defense training; military personnel status; some other domains for which within the Constitution is mentioned as being necessary to adopt organic laws.

We can appreciate that the theory stating that a legal act does not represent an entity, a self-standing entity, and is constituted by distinctive regulations is difficult to be accepted. This situation might lead to bizarre assumptions in which an organic law comprises both ordinary law like-norms and, why not, constitutional law like-norms, on the other hand the ordinary laws might settle specific aspects belonging to organic law and so on.

University professors, well known theorists, criticize such a solution formulated by the Constitutional Court which leaves room to the legislative power to contradict itself with its own decisions and to deliberately break up the constitutional provisions which do not admit a law to have a double character, respectfully to be an organic and ordinary law at the same time, on which we totally agree.

Such a consequence, in our opinion, cannot be admitted, the difference between an organic and ordinary law being of a constitutional nature.

The Government Ordinance no.73/1999 was initially repealed through Government Ordinance no.7/2001, after that being rejected by Parliament through Law no.206/2002. The Government Ordinance no.7/2001 was, also, repealed on the 1st of April 2004 as a result of Law no.571/2003 endorsement concerning Fiscal Code.

In such a context we want to underline the fact that Law no.24/2000 concerning legal technical norms for issuing legal acts settles, at art.62 line (3) the principle of inadmissibility for using an initial legal act as an effect of repealing a legal act previously repealed, empowered with the condition to respect the in-use procedures for that moment of time.

Nevertheless, within the military a theory was issued but it was not enough grounded regarding the fact that provisions concerning tax exemption for military personnel stipulated by Law no.80/1995 might have been in use in case that their repealing by Government Ordinance no.73/1999 would not get a definitive character since the respective Ordinance had been rejected by Law no.206/2002. This theory was sustained even by some jury boards.

Because there is not a single point of view within the jury concerning that problem, for the sake of the law, an appeal was submitted towards the Higher Court for Justice – United branches issuing the Decision no. LV (55) from June 4, 2007, stating that art.10 from Law no.80/1995 had been cancelled, having a definite character, through the Government Ordinance no.73/1999. That Decision was compulsory for jury in accordance with art.329 line (3) from Civil procedure Code applicable for that specific moment of time but did not have an effect on examinant jury decisions or over different sides confronting themselves during the trial, this fact being to the advantage of military personnel which won in some of the previous jury boards.

Thus, it has been noticed that "the effect of a repeal norm is instantaneous meaning that the way to apply the repealed dispositions cease once the text which has the power to repeal is endorsed, and the repealing character cannot be but definitive, that means that due to the lack of an express provision, repealed dispositions cannot be reactivated for the future and, in this particular case of a norm, it is necessary to apply it only once but with a

definitive character, to be taken into consideration that it has no relevance since the text which has the power to repeal was also repealed or not".

Concerning the normative documents and their effects we must infer that within Decision no.19 from 17.10.2011 belonging to the Higher Court of Justice – the board empowered to judge the appeal for the sake of the law – the official interpretation, according to our own point of view, totally surprising, concerning the violation of "the principle of legal acts hierarchy, Law no.19/2000 (regarding pension public system and some other social rights) being the frame-law, and the Emergency Ordinance (regarding fresh calculation for public system pensions, got from the former social security system) being given to enforce this law".

Last but not least, we want to underline the fact that, after that, through Decision no.545 from July 5, 2006 concerning the constitutionality of the Romanian Trade and Industry Chambers Law, the Constitutional Court took into account the university professor Ioan Vida's opinion, but the effects of initial decision on fiscal status applied to military personnel remained the same.

Thus, it has been stated that any intervention on an organic law must be realized using a regulation of same level adopted by absolute majority vote " being obviously impossible to take into consideration that this (law) should be half pro organic law and half pro ordinary law" and "the contrary solution would be to recognize the possibility to modify a regulation adopted by an absolute majority vote using the effect of a simple majority vote which is against "the parliamentary democracy principle".

The adopted solution was also restated in Legal Council endorsements on the occasion with establishing the nature of legal proposal or a law project and was taken into account the framework of parliamentary legal process[1].

A second Decision we want to analyze refers to the rejection of unconstitutional exception of Law no.119/2010 regarding the establishment of some measures for the pensions domain, on which the Constitutional Court pronounces itself the same way in a constant manner.

Thus, through Decision no.871 from 25 June 2010 the Constitutional Court decided that the provisions of law are constitutional in respect with formulated critics the decision being final and mandatory.

The authors of the exception, a group of 37 senators have criticized the provisions of articles 1-5 and article from Low no.119/2010 and also this Law in general, in respect to the Constitution article 15 line (2), art.44, art.47 line.(1), art.135 line (2) letter f) and art.53 provisions and also in respect to

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[1] Sorin Popescu, Cătălin Ciora, Victoria Ţăndăreanu, *Practical aspects of legal technique and evidence*, Monitorul Oficial, Bucharest, 2008, p. 114.

article 1 provisions from the first additional Protocol on the human rights and fundamental freedom Convention, and on the other hand, the law in general, based on the Constitution art.1 line (5), art.47 line (2) first thesis, art.16 line.(1) and art.20 provisions, and also the dispositions of art.17, art.23 point.3 and art.25 point 1 from the Human Rights Universal Declaration and those of art.1, art.17 line (1), art.25, art.34 line (1) and art.52 line (1) from European Union Fundamental Rights Chart, this position being sustained by us too.

Next, we want to emphasize only those critical aspects over the legal texts in respect to the Constitution art.15 line (2) provisions, the authors of the exception showing that the necessity of a fresh calculation for all those special pensions given under the power of previous legal dispositions before the endorsement of the law which is subject to constitutional control, violates the un-retroactivity of civil law principle.

The authors of the unconstitutionality exception showed that special pensions which were already on payment rosters were rights which had been offered before Law no.119/2010, being rights earned and the modification of the legal status of these constitutes a flagrant violation of a principle established by article 15 line (2) from the Fundamental Law. It was also argued that the law dispositions which had been criticized had the significance of un-recognition by the state of previous legal principles, which represented the basis for establishing the pension, this situation influencing the civil circle stability.

In this respect, previous Constitutional Court decisions had been invoked such as Decision no.375 from June 6, 2005, Decision no.57 from January 26, 2006, Decision no.120 from February 15, 2007.

If through that decision, the Constitutional Court recognizes the fact that special pensions are not a privilege but have a compensatory regime established by the lawmaker in order to pinpoint a special status to a specific personnel category, having an objective and reasoning justification, on the other hand it considers that these can be eliminated if there is enough powerful reason to finally lead towards the diminishing of state social acts under the form of pension. This reason would be represented by "the necessity to reshape the pensions system, to rebalance it, and to eliminate all inequities within the system and not for the last time the situation created by economic and budgetary crisis which had an impact on state, thus being affected the state budget and state social assurance one".

The Court states the fact that the only right gained in accordance with pensions is represented by those things already accomplished until the endorsement of the new provision and over which the lawmaker could not intervene and, the criticized law texts have an impact on special pensions only

for the future and only in respect to the amount of these. The other conditions regarding these, especially the length of activity and the legal age are not affected by the new provisions.

Also, the law maker has an exclusive right to dispose based on social policy and funds against social assurance rights and also over the amount and receiving conditions and Law no.119/2010 does not activate on things already got previously its endorsement, which constitutes "facta praeterita"[2].

Moreover, it is taken into consideration the fact that "this measure cannot be considered as being arbitrary", and "it is observed that the measure doesn't impose an excessive burden on its recipients being applied to all special pensions, it is not a selective process and doesn't have per cent differentiations for different recipient categories in order not to determine for one or another the receiving, more or less, the measure of income reduction from such a pension", and also the fact that "the law maker is empowered to integrate the special pension systems within the general system".

In this respect, the Court has retained the fact that Law no.119/2010 articles 1- 5 and article 12 provisions do not contradict those constitutional provisions concerning the un-retroactivity of civil law.

As I have already mentioned above, some other Constitutional Court decisions out of which Decision no.1285 from September 29, 2011, Decision no.1268 from September 27, 2011, Decision no.1270 from September 27, 2011, Decision no.1283 from September 29, 2011, come up with a reason regarding that each time the rejection of the unconstitutionality exception versus the fresh calculation of actual special pensions was legally established and calculated on the basis of laws which had been in power at that respective period of time.

Based on the arguments of unconstitutional exception rejection we want to underline here some other previous decisions through which the Constitutional Court, in our opinion which is opposite to those presently sustained, establish that the pension date, previous one or after the endorsement of a new provision, is able to generate different legal situations which impose and justify a legal differentiation treatment, the two categories of pensioners which are established based on this date being consequently subject to different legal regimes, especially to avoid the violation of the un-retroactivity of law principle.

Thus, regarding Decision no.290 from 1st of July 2004 "the lawmaker has the right to modify and augment the legal provisions concerning all the

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[2] Considerations concerning *facta praeterita*, *facta pedentia* and *facta futura* within Constitutional Court Decision no.3 from October 24, 2000 regarding the appealing against the enlistment of a candidate for a position as the President of Romania

pension necessary conditions any time pending on the country economic and financial conditions which can permit or impose specific modifications, but any new provision is applied only after the endorsement of it. A new legislation referring to pensions cannot be automatically applied to those who got pension rights based on in use previously legal arrangements. Such a fact would be an extended impact of legal norm over past situations which could have a retro effect and would contravene the Constitution article 15 line (2) provisions".

Decision no.323/2002, as well as Decision no.27/2002 and no.198/2002, states the fact that "joining the reserve previously or after the endorsement of a legal provision could generate different situations, this thing producing effects which justify the regulation of different treatments and "the lawmaker has the right to establish in a different way and based on the existent possibilities concerning social protection the rights which can be given to some categories of citizens and, of course, without violating previous established rights".

In Decision no.18/2003, the Court retain that, "without being violated the un-retroactivity of law principle, established by article 15 line (2) from Constitution, Law no.164/2001 article 13 provisions can be applied only for reserve military personnel or direct retired personnel after the endorsement of the law", and through Decision no.155/2004 that "if it would have been stated that all the pensions established on a previously legal provisions are reconfigured on the basis of new criteria, these had had retroactive character, opposite to the Constitution article 15 line (2) provisions. The previous adjustment and reconfiguration to pension are done as a social protection measure and not through the law implementation in a retroactive manner."

In the same way, among different other decisions we want to emphasize Decision no.342/2002, Decisions no.31, no.70, no.404, no.414 and no.476/2003, Decision no.255/2004, Decisions no.57 and no.270/2005, Decision no.455/2006, Decision no.93/2008.

The legal problem being analyzed is not a brand new one as it has constituted a subject of analysis for a long time and, sometimes, controversy for the legal science under the official name of "laws conflict in time".

The un-retroactivity of law principle was established in order to provide a much more rigorous modality to apply the law, being a fundamental constitutional rights guarantee especially for personal safety and freedom. In other words, due to this principle, a brand new law can be applied only for those situations which will appear after its endorsement not being possible to apply it to those facts or legal acts, performed previously.

The un-retroactivity of law, as a constitutional principle is compulsory for all law branches, without exception, not only for those dealing directly with it. Thus, outside the penal legal exception which is much more favorable

and established by Constitution no other exception can bring limitations against this constitutional principle, any other contradictory legal provisions should be considered unconstitutional.

We can conclude by stating the fact that beyond some persons' more or less justified considerations, the compulsory official interpretation of any legal text is the jury's responsibility which has the role to control the way in which legal provisions are applied and their action projection in time.

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ORGANIZED CRIME'S INFLUENCE ON NATIONAL AND EUROPEAN SECURITY

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The organized crime networks and organizations will extend their activities due to the chaos, corruption, misdoings and mishaps in applying control measures in areas that are not under surveillance and to the existence of global information, financial and transport networks. These will manifest in various forms, with small criminal entrepreneurs and movements for specific operations.
The organized crime decreases national and European security.

Keywords: organized crime; corruption; informational networks; national security.

In our opinion, organized crime is an extremely serious crime, that is affecting the policy of states and the activity of democratic institutions[1], which is not only an expression of the proliferation of lawsuits and negative phenomena that escalate in the context of globalization, but also a direct consequence of bad management (erroneous) transformation of political, economic and social changes that occurred or are underway in the EU. Under these conditions, Romania's area of strategic interest turned into a transit and destination area of illicit activities committed by criminal groups consisting mainly of: illegal trafficking of narcotics, arms, ammunition and explosives, illegal migration and human trafficking, trafficking counterfeit goods, money laundering, and other forms of economic-financial crime[2].

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[*] e-mail: *kalimero@yahoo.com*
[1] Flavius Moldovan Andrei, *Trans-border crime - risk factor NATO and the EU border*, the Eleventh Annual Scientific Session with international participation "Balance of power and security environment", Volume I, Center for Strategic Studies for Defence and Security, "Carol I" National Defence University, 17-18 November 2011, Bucharest, 2011, p. 422.
[2] B. Andronic, B. Andronicus, *Combating corruption in order to reduce national security risks*, Military Science Review no. 4 / 2011, p. 111.

Organized crime is a social product existing in the social and political environment, which "springs from different groups' tendency to use crime as a means of social mobility and even for the seizure of power"[3].

We agree with the theory developed by A.J. Ianni and Daniel Bell, who believe that underlying crime is a form of social process. For example, in America, but also in Europe, organized crime groups allow the impoverished immigrants to rise above the ghetto condition and to act in order to avoid oppression and discrimination. These are explanations for the existence of the Italian Mafia and other organized crime groups (tong organizations, triads, yakuza, Colombian groups, Russian, etc.). In the cultural transmission theory, Edwin Sutherland assesses criminal behavior as one that was learned and taught, which means something more than mere imitation. People who become criminals have such a development because of their permanent contact with the underworld, where the law is broken, and because their relative isolation from other law-abiding persons.

Today, on the Eastern border of Romania, the EU's external border, activities of organized crimes are increasing; that are actions directed against individuals and against public property or private. Specialized institutions and organizations' actions to prevent and combat organized crime are operating with large difficulties, because criminal organizations are composed of people who have large sums of money and relationships in almost all communities in several European countries and resort to intimidation, blackmail and corruption. Organized crime is involved in almost all types of transactions or trafficking, legal or illegal, if profitable and offering the opportunity to reinvest money earned in this way.

International organized crime groups use modern techniques of communication and information currently and show concern for infiltration in countries with emerging or fragile democracies, such as, for example, Romania, for laundering the illicit gains and transforming them into legal money or for obtaining goods.

Transnational organized crime is a global threat against EU member states with the following general trends:

• the adaptation of operational behavior of clandestine organizations illegal migration in order to escape control measures of European countries by diversification of the methods used, improving the internal organization and concealment and dissimulation of actions;

• the diversification of exploiting products, values and benefits resulted from the execution of crimes, in order to hide illegal income sources and

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[3] Robert J. Kelly, *Organized Crime's Nature and specific ITS Operations*, U.S., 1987, p. 5 and Valerian Ciocodei, Handbook of Criminology, Ed C. H. Beck, Bucharest, 2007, p. 211.

enhance some gains from activities such as gambling, casinos, illicit traffic in art and national cultural heritage, etc;

• the expansion pack that brings higher crime income with other violent crime, with serious public consequences, such as terrorism actions and other of this type, in order to ensure funding of criminal groups;

• the continuous modification of trafficking routes and products trafficked at market requirements to ensure an increase in synthetic drugs' trafficking from Western Europe to Eastern (Romania, a transit country for drugs, will become a consumer market);

• the expansion of the range of crime in information technology and Communication (IT & C), by fraudulent and unauthorized accessing databases of public institutions;

• the adoption of new means and ways to circumvent the control of specialized border crossing of dangerous products, goods counterfeit, undervalued or undeclared, endangered species of wild fauna and flora, wood material and the genetic forest material;

• the enhancement of the phenomenon of trafficking products that are priced more and excise tax;

• the increase in the number of cases involving networks smuggling and trafficking counterfeit goods;

• the increase in cases of organized crime involvement in trafficking illegal currency and other bearer payment (credit cards, travelers checks, orders etc.);

• the legislation' speculation and corruption of officials from institutions that fight against customs fraud and corruption, for the protection of illegal operations;

• Romania's transition from a source of black labor to a consumer for citizens of countries in Asia, Africa and Europe, which will determine changes in volume and destination of illegal migration.

Romania's geo-strategic position determined transnational organized crime groups to use our country as a transit country (and destination) for part of the activities of transnational organized crime, specialized organs of the state facing a vast problem affecting state security.

Among these, the most important components of organized crime in Romania's Eastern border are organized illegal migration, human trafficking, organized smuggling and trafficking of excise goods, international traffic in stolen motor vehicles, trafficking in pirated or counterfeited goods and trafficking in drugs[4].

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[4] B. Andronic, *op.cit.*, p. 424.

The repercussions of organized crime on security are exercised through corruption. As a form of criminal behavior, organized crime is the most serious consequences for security. Today, there are many and various organizations in the world, criminal groups and communities that have enormous wealth concentrated in their hands. With money, organized crime organizations make not only money, but also politics. With the wealth stolen from the people, the underworld bribes staff at all levels of state power and plants "its people" into power structures. The corruption of political power is the most serious challenge to social order, the decisive factor for the degradation of all other spheres of society, and for decay of humans. The causes of these phenomena are found in the main areas of social life and we will find their consequences in all these areas: political, economic, social, moral and spiritual.

In the political life, corruption counteracts and cancels the efforts to build a democratic constitutional state. This disaster started from the stage of creating organs of public power. During the transition from socialism to capitalism, states reported cases of involvement of money in election campaigns to promote the desired applications of certain political groups, or some other companies. Buying votes is a phenomenon known throughout the world, which hinders the efforts to build a democratic electoral system based on free competition of political forces.

In the national security area, among the negative consequences of corruption and organized crime could be mentioned the undermining of public confidence in democratic values and institutions, in the efficient functioning of public power bodies at all levels, in the rule of law etc.

Because people, including some market agents, are severely affected (in everyday life, in their entrepreneurial activity) by corruption, they doubt that even the minimal role of the state, which is similar to the role of "night watchman". Some prefer a liberal state, but only as long as it meets their interests, but they riot when the state can not establish and enforce the rules of the game. The security of the state decreases when corruption and organized crime gains amplitude, so as the laws are being undermined, law enforcement is paralyzed and the citizen feels unprotected from the libertine clerk, the pervert employee, and other criminals. In such situations, the domestic and foreign policy of the state is at the freewill of antisocial and anti-national elements, a fact which has already happened in the practice of many countries in transition. Corrupt law enforcement bodies represent the misfortune for society.

The "privatization" of state functions by certain groups of officials, exercising or not functions depending on their personal incentives in one case or another, does not offer too much security. Thus, corruption and organized

crime lead inexorably to ruining security and prestige of the country on the international arena and to increase its economic isolation and political danger.

The most dangerous political repercussions of corruption and organized crime concern state security, and national security of the EU countries. In Romania, due to corruption and organized crime in the early stages of transition, the state has largely lost control in many areas of primary strategic importance to the economy, including large enterprises of the military-industrial complex.

So, the real possibility of state destruction, as a result of corruption and organized crime, is increasing by undermining its economic and social foundations, which compromises both domestic politics and foreign policy corrupted state. One should take into account the real danger of losing the effective independence of the country affected by corruption and organized crime.

Besides, the political consequences, corruption and organized crime seriously damage the economy. It occurs primarily by extending underground black economy, which seriously affects the financial levers to regulate economic processes, blocking competitive market mechanisms, so legal business entities thwart efforts to obtain optimal results. Eventually, the effectiveness and efficiency indices and standard of living of the population decrease. It goes without saying that virtually any individual gain obtained by corruption is accompanied by loss for another.

However, it was found another fact: corruption hampers commercial business conducted on the basis of actual cost and highest quality of goods, leading to an unjustified increase of prices and services provided by 5-15%. Economic loss caused by corruption is particularly high in the state orders and purchases, especially in construction where buildings get price in Germany to 30% bigger than their actual cost.

Both corruption and organized crime are not some accidental phenomena, but rather derived abnormal state of things in the macro and microstructure of society. Strategies and programs to combat corruption and organized crime can not be effective and efficient if they are not based on a narrow, fragmented and disunited vision on these phenomena.

Conclusions

Romania and the former Socialist states, as countries in transition, have faced after 1990 a strong offensive of criminal organizations. In order to counteract, immediate action was needed, which in theory could be grouped into two categories: internal and external actions.

It was also necessary to develop an institutional framework to implement the strategies adopted and to act effectively, with good results, to

combat the phenomenon. Therefore, The Organized Crime and Corruption Combat Brigade was created in Romania, within the General Inspectorate of Romanian Police, with attributes in the information documentation area and in finding the acts committed by organized crime, and the Directorate for Investigating Organised Crime and Terrorism Offences, within the Prosecutor of the High Court of Cassation and Justice, with expertise in investigating and prosecuting offenses. Externally, Romania took part in the major international regulatory instruments adopted in combating organized crime, including the United Nations Convention against Transnational Organized Crime.

Today, the phenomenon of organized crime is growing unprecedented, and by its new forms of expression, by its more organized nature, its particular danger and by its internationalization, constitutes a growing threat to the European community, the democratic institutions, and the state as a whole.

In regional Southeast European level, Romania has an important geo-strategic location on the "Balkan route", a route frequently used by criminal organizations to introduce contraband cigarettes, alcohol, fake currency, and drugs into the European Union.

Under these conditions, countering the new manifestations of criminal groups, including the "laboratories" of corruption and organized crime created in the EU is possible by the cooperation between investigative structures, mutual transfer of expertise within European programs, supporting judicial bodies in European countries in the action for their emancipation from the suffocating interest networks political and economic interests concerned with their satisfaction on the accumulation of rapid capital.

For our country's security we can depict the following conclusions:

Romania's security and defense can not break from the security of the EU and of Europe as a whole. NATO is the most important alliance of today's world, security and the EU process analysis must take account of this reality. Efficiency and modernization of European and transatlantic processes should be priorities for all EU countries, including Romania, with the potential, and its role in promoting broader stability in a region that has particular importance for Europe.

It is necessary for Romania to develop a central strategy which aims to reduce mistrust between the European and Euro-Atlantic integrated and ex-Soviet space, subject to contradictory trends. For this purpose, Romania should offer NATO and the EU its previous experiences in the less polarizing period and its geographical position highlighted not only in geo-strategic terms. Adopting such a priority, the Romanian state could participate effectively in the dialogue that NATO and EU structures have with different actors in this area, and its realization would certainly echo much stronger than the current Romanian contributions to maintaining peace and stability in the world.

In Romania, the phenomenon of trans-border organized crime has the following trends: criminal groups are reorienting and are increasingly involved in drug trafficking, trafficking in stolen cars or trafficking because it is easy to obtain financial product committing such crimes; delineation and specialization of activities of members of criminal groups, some criminal activities are carried out abroad, even in several countries (for example, copying of credit card magnetic data is made mostly abroad, and using counterfeit credit cards is made both at home and abroad); taking illicit money by groups or members of their families, through several methods (transfers to bank accounts, transfers through Western Union, by courier or by purchasing goods which are brought into the country and then sold at prices well below the market); numerous attempts to purchase goods on local e-commerce sites, which are paid by using a fraud credit card; the activities of criminal groups are orientated also towards credit cards issued by Romanian banks[5].

The enlargement of EU responsibilities towards the security and reconstruction of the region, the increase of NATO contribution and Partnership for Peace Program (PfP) in promoting democracy, peace and security, as well as the presence of American operational capabilities in the region, can contribute to founding a viable strategy.

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THE LISBON TREATY AND THE NEW EUROPEAN TRENDS IN SECURITY AND DEFENCE POLICY

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The provisions on Common Security and Defence Policy (CSDP) introduced by the Lisbon Treaty provide a firm political statement of the Union's intention to act as a force for stability in the world and provide a clear legal framework for reinforcing its capacities to pursue its foreign and security policy through a comprehensive approach drawing upon all the instruments available to the EU and its Member States, to prevent and manage crises and conflicts, and to build lasting peaceon. Lisbon Treaty imposes an obligation on the EU to promote multilateral solutions, in particular within the UN, and that EU international action must be based on the principles of the UN Charter, international law and EU principles and values.

Keywords: UE; Common Security and Defence Policy (CSDP); defence; european security; the Lisbon Treaty.

The international system is undergoing rapid and profound change, driven by the shift of power towards emerging international actors and deepening interdependence, encompassing economic and financial problems, environmental deterioration and climate change, energy and resource scarcity, and interconnected security challenges.

In a turbulent global context and at a time of economic and financial crisis, the EU is being called upon to enhance its strategic autonomy to uphold its values, pursue its interests and protect its citizens by developing a shared vision of the main challenges and threats and by aligning its capabilities and resources to adequately respond to them, thereby contributing to the preservation of international peace and global security, including by pursuing effective multilateralism.

European Security building reflects the essential features of the geopolitical environment in which runs: the transition to multi-polar international system, competition between the Euro-Atlantic area for

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redistributing power roles, depth integration into the EU, Russian attempts to maintain great power status in the international arena and to occupy key positions in European security structures.

Using the full potential of the Lisbon Treaty, any common defense policy designed to lead gradually to a common defense should contribute to strengthening EU capacity to respond in a crisis and ensure long term peace and, above of all, to strengthen Europe's strategic autonomy and capacity to act.

The EU is strategic autonomy in the current global security environment through its ability to agree on policy objectives and shared strategic guidance, to establish strategic partnerships with States and relevant international organizations, including NATO, to collect adequate information and analysis and to develop common assessments, to enhance and, where necessary, to merge financial, military and civilian required to plan and conduct effective crisis management operations within the wide range of Petersberg tasks, and a framework to create and implement a common defense policy, placing the first concrete base building common defense.

Is of the view that enhancing strategic autonomy in security affairs entails, for the EU, the capacity to agree upon common political objectives and strategic guidelines, to establish strategic partnerships with relevant international organizations, including NATO, and States to collect adequate information and generate joint analyses and assessments, to harness and, where necessary, pool financial, civilian and military resources, to plan and run effective crisis management operations across the extended range of the Petersberg-type missions, and to frame and implement a common defence policy, laying the first tangible foundations on which to build common defence;

In the EU, the subsidiarity principle is considered a multistage security system: EU, OSCE, NATO and the UN today, the need for correlation, optimizing security cooperation between different institutions becomes more obvious than ever. Quite unpredictable developments in the EU, the rivalry between the EU and NATO, the emergence of major imbalances between the EU, the possibility that national interests take precedence over common ones are the main factors that influence and strength building a robust European security.

Construction IESA (European Security and Defence Identity) is, hopefully, an irreversible process that will be achieved by developing relations between NATO and the EU, together with the development of common security and defense policy. NATO has an important role in European defense, but the EU can turn to build a suitable and credible instrument of defense. EU can play a role that NATO neglected. And that's because the Union is not only interested in military matters, but rather seeks a comprehensive approach to crisis management. EU needs NATO and NATO

needs the European Union. European Union will never be strong without a strong NATO, and NATO will never be strong without a strong European Union.

Consistently, NATO and the EU have paid full attention to relations with Russia. After the fall of the Iron Curtain is obvious that to achieve a solid construction without Russia's participation in European security is not possible.

Based on the descriptions, the new provisions on security policy and defense policy (CSDP) introduced by the Lisbon Treaty is an expression of intent Union farm policy to act as a stabilizing force in the world. This option contained in the Treaty, the EU provides clear legal framework to strengthen its ability to pursue foreign and security policy through a comprehensive approach based on all instruments at its disposal and the Member States to prevent and manage crises and conflicts, and to build lasting peace.

The CFSP and the CSDP, which is an integral part thereof, have been placed within the legally binding institutional framework of EU principles (democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and principles of international law, including the Responsibility to Protect), and their objectives have been merged with the general objectives of the EU's external action

In conducting foreign and security policy, the EU should ensure constant and consistent relationship between areas of its external action and between foreign and domestic policies, a responsibility to do so by assuming the High Representative. This, in close cooperation with Member States, conducts the CFSP, proposed decisions and CSDP missions and national resources and Union instruments, together with the Commission and, where appropriate, coordinate their military and civil matters, chair the Foreign Affairs, is, at the same time, Vice-President responsible for the external relations and the coordination and coherence throughout the Union's external action. The High Representative has the power to submit proposals to the Council in foreign policy and security policy, either on its own initiative or at the request of the European Council, led by its general case the Council may decide by qualified majority.

The duty of consistency as defined by the Treaty, the new wording of Article 40 TEU (which states that the implementation of both the CFSP and the other EU policies shall not affect the application of the respective procedures) and recent ECJ case law (see the SALW case) protect both the primacy of the Community method and the distinguishing features and prerogatives of the CFSP, while encouraging the convergence of different policies, instruments, resources and legal bases in a holistic, comprehensive

approach, whereby contributing to peace and security in the world becomes a cross-cutting objective of EU external and internal action and the CSDP is one of its instruments; notes that military assets can be also deployed in the event of natural and man-made disasters, as shown in practice by the EU Military Staff coordination of military capabilities in support of civilian-led humanitarian relief operations during the Pakistan floods in 2010, in accordance with the applicable UN guidelines on the use of military and civil defence assets in international disaster relief (Oslo guidelines) and following the request by the Commission;

In the 2011 report on the development of common security and defense policy following the entry into force of the Lisbon Treaty is concerned because, more than a year after the entry into force of the Lisbon Treaty, there are still clear signs of a comprehensive approach to post-Lisbon EU, which can overcome traditional institutional barriers and procedural but at the same time, these legal powers are at stake when security of European citizens and also reaffirms that credible external security policy requires a deeper interdependence between Member States and improved internal cohesion, mutual trust and solidarity with, the same as what was done in the field of internal security in the Schengen cooperation.

The same report expresses deep concern about the danger of believing that ad hoc coalitions or bilateral cooperation based on the will could be viable substitutes of CSDP, since no European country has the capacity to be an actor with significant security and defense in the twenty-first century world.

In summary, the Lisbon Treaty provides the possibility to entrust the implementation of crisis management operations of a group of Member States, but only within a Council Decision defining the objectives, scope and conditions for implementation. A common reaction to events in Libya was an essential opportunity to formulate a new approach credible southern neighborhood policy. Also, develop a strategy for the Sahel and the Horn of Africa is still a concrete opportunity to demonstrate the EU's ability to meet the security challenges and the related development.

Role conferred upon the body directly representing EU citizens, the Treaty makes the European Parliament a vital source of democratic legitimacy for the CFSP.

In the not too distant future, the EU will need a White Paper on European security and defense, to have the background review of defense and national security policies undertaken in all Member States agree on a common model and allow direct comparison of the strengths and weaknesses of current capabilities and planning assumptions.

Permanent structured cooperation as stipulated in the Treaty, provides legal guarantees and obligations and is also a tool to promote better use of

assets during periods of economic austerity CSDP and to overcome the lack of consensus among member states. It requires Member States together with the Council to immediately establish the objectives and substance of such cooperation.

The provisions introduced by the Treaty of Lisbon provide great potential for promoting the development of EU military capabilities and to establish a progressive framework for EU defense policy.

Future success depends on the current European defense policy and common security to complete a single policy in this area. European Defence advancing with sure steps, mostly because of international events leads European leaders to strengthen cooperation. PESAC is a tool for building better capacities, because the European public could be more easily convinced that we must support its development of military capabilities in the EU than in a NATO context.

The same ships, planes and troops will be used for both NATO and EU missions. From this perspective, PESAC is not a so radical concept, but rather an adaptation to political realities. It is a mean to improve the EU's ability to assume responsibilities in activities that NATO refuses to participate.

Regardless of how it will evolve PESAC will play an important role in European security and transatlantic relations will not be affected. It is important to keep in proper perspective PESAC. European Security and Defence Policy has been created as a competitor to NATO in terms of mission, purpose and size.However, the EU is trying to develop a force for maximum intensity operations, but focuses on stabilization, humanitarian and other similar operations.

The Common Foreign and Security Policy (CFSP) and European Security and Defence Policy, European Union adds a greater political role of economic and commercial power.There are many steps to go before the actual weight of the political dimension will become clear. Despite their commitment to the CFSP will become a successful policy, caountries sometimes face difficulties in their national policy changes to certain third countries or regions, on behalf of European solidarity.

Although the EU has introduced some flexibility in voting procedures, allowing in some cases governments to refrain, establishing a majority vote, and allowing groups of states to act separately, unanimity is still required in decisions on military or defense implications.

Military analysts consider that the success of building a European defense, a division of powers and responsibilities of procurement in Europe is needed, each country will, according to tradition and capacities produce only a specialized component defense system for example, Germans, armored, British, aircraft and missiles, the French and Italians, telecommunications and radar, Dutch, etc.

Provisions on the common security and defense policy (CSDP), introduced by the Treaty of Lisbon is an expression of strong political intention of the European Union to act as a stabilizing force in the world and provides a clear legal framework to strengthen its capacity to pursue foreign and security policy through a comprehensive approach based on all instruments available to European Union and Member States to prevent and manage crises and conflicts and to build lasting peace.

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PREPARING STUDENTS
IN INSTITUTIONS OF MILITARY EDUCATION

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At the beginning of this century, the officer's role is to serve his country and the values he believes in. He is also an actor determined to accomplish, together with the soldiers under his command, the mission entrusted to him in order to build a safer and more peaceful world.

This framework demands the officer to be in the same time a soldier, citizen, leader, state servant, and promoter of peace.

Regarding the relationship between the state of peace and war, we learn from history lessons that nowadays the world's social relationships are complex and unpredictable. However, these relationships are enhanced by the reduction of the available time to decide and act. The technological advances in computer science, mass media and communication represent the main reason for these changes.

Keywords: new world order; new risks; multiform crises; the will to self-improve; operational integration.

Based on political and military considerations and existing socio-economic situation, a new type of war different from the one of industrial age is now foreseen. This war will focus on high-performance technology, on the computerized processing of information, on misleading acting, aiming at less human and material damage and reduced consumption of resources.

New risks, new forms of war, new doctrines, and new tactical procedures are emerging constantly, and sometimes, what is well known today, tomorrow suffers dramatic changes or even disappears. The old threats are still looming and it would be a mistake to think that they have been eradicated. Therefore, the false hopes after the first Gulf War triggered by the "new world order" and based on dominating authority, unfortunately echo the lessons learned and constitute a sincere and illusory rhetoric. I do not think we can be surprised if the conflicts should again use nuclear weapons after the Cold War.

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In this situation, it would be in vain to train officers according to an identified type of threat. The only "certainty" which looms at the horizon is unpredictability. In my opinion, under these conditions, the training of our officers has to take into account two major aspects:

- the high capacity of officers for adaptation; it is impossible to imagine the particular forms of threats to include in training;
- the mission circumstances which are analyzed and confirmed by the operational experience gained in theaters.

In this word of globalization, threats do not stop at our country's borders. The distinction between internal and external security is less clear. These threats are more than ever "multiform" and difficult to stop. They are represented by the risk of large-scale attacks, the proliferation of mass destruction weapons, and multiple crises, open or latent conflicts identified inside or near the eastern border of the European Union.

The ability to obtain information about these threats in quasi real-time from the Internet and to transform it in useful knowledge and even manipulate it, constitutes a new form of power. The risk of wealth and development disappearances between "linked" countries can increase, so the involved countries become ready to cede some of their sovereignty to supranational entities or even to "disconnect" and dismembered others. The occurrence of such events will be a source of many multiform crisis centers and of the escalation of violence on our planet if they it is not predicted and gradually reduced. These crises will lead to political, social and economic turmoil, and will occur inside the state "with a weak government" that can serve as refuge for terrorist networks and weapons, drugs, and persons traffickers.

The world of our future military will be undeniably marked by the uncertainty.

Diversifications of missions, engaging in situations that are neither war nor peace, multiplication of parties to the conflict characterize the current condition in which the military profession is performed. In most operations, the objective is now to "win the peace" after its restoration after war. Apart from military aggression and terrorist groups' threats, the armed forces are and will be called, even more frequently to cope with natural and major medical hazards. In these situations the military forces are often the only able to be responsive to the necessary actions to carry out large scale operations.

On national territory, the officer will also receive missions in the context of disaster aid in public service, especially when terrorist actions occur, which may raise the question of national security.

In the latter case, action will be in coordination with the forces maintaining constitutional order and public bodies.

In an army that will have to rethink its evolution and constantly adapt, the 21st century officer century will be involved early in his career in various operations, which are more complex, more progressive, more versatile than before. He should be able to adapt immediately and be able to anticipate contingencies. Besides his ability to reproduce the theoretical schemes learned in the training and doctrinal provisions, the officer will be able to understand the situation, no matter how complex it is. He will need to produce, choose, design, conceptualize, and give new meanings to his actions. In addition, he will have to train subordinates, showing them the direction and aim to achieve, and will have to bring about acceptance and enthusiasm.

The analysis of all the previous elements, conditions and prospects of the future officer will enter the mission that will have to have three main skills:

• discern the complex;
• decide in uncertainty;
• give orders in adversity (hostile conditions).

To discern the complexity, whatever the circumstances, the officer must think clearly, be well organized, have multidisciplinary knowledge, make links and connections between his knowledge, possess mechanisms that enable him to mobilize them, update them, confront them, organize, interpret, put them into perspective, and express them.

When making the decision, after discerning the meaning, the officer should possess first of all the physical and moral force needed to overcome such situations. This force is not acquired or maintained only through a continuous exercise. He must not only be kept in perfect physical condition, but gradually hardened to deal with situations which are increasingly tougher.

In this way, he will show physical courage, the willingness, and ability to overcome any obstacle at any cost. But it is also the moral force to be taken into account. It is often missing today and allows easy copying (imitation). The use of ideas, behaviors, learned in the preparation, identifiable by customs, or thinking distinctive signs will not be sufficient. This trend, absolutely natural to the youth, must be overcome very quickly by the future officer. For this purpose, he will have to be put in a position of responsibility often in contexts that are not familiar in order to make real choices and see whether they are feasible. After accepting the complexity and intellectual choices, he will confront with difficult intellectual moral and ethical choices, which I will dictate his management actions.

Finally, due to hostile conditions, he has to appeal not only to his intellectual capacity in order to discern the physical and moral power to make decisions, but he also needs to know how to order the men and women

entrusted. In addition to the moral requirements, human responsibility, sense to the general interest and all the qualities that allow him to join by example, the officer will have to possess communication techniques, pedagogy, psychology, essential training and information of a group of professionals.

To create such an officer with a well organized mind, with remarkable physical strength and moral as well as sufficient control capacity, he needs that in the preparation and training stage to have the qualities and fundamental aspiration to develop knowledge and harmonize provisions.

Qualities and aspirations feed the future officer, him building, in particular, solid qualities such as openness, honesty, enthusiasm, spirit of camaraderie, but also aspirations to serve the nation, to exercise his responsibilities in order to build a close-knit team.

This must be completed first. Future officers will enrich the basic skills and aspirations until they have achieved a genuine sense of duty and high civic sense. Qualities of generosity, will, courage and sacrifice, and discipline, self control, respect for others and for the common good, rigor, honor and patriotism will have to be developed gradually and then maintained. These qualities and aspirations can not be useful unless they are combined with a tailored set of knowledge. For officers, it is not specialized knowledge, but the excellent multidisciplinary knowledge that will make them act in a socially fluent way. This basis, organized by general and military knowledge, enriched with experience, will give competence to the officer.

Finally, vocation is good, and to the appropriate knowledge gained, potential of intellectual, physical and moral should be also added. It is interesting to analyze that lust and desire work for private human relations, imagination and pragmatism, sense of organization and initiative, ability to adapt and anticipate, ability to listen and express the desire to win, and convince, sense of serving their country and others, and the desire for life and sacrifice.

Selection of young officers for the job will aim at them having generally good harmonious qualities, aspirations and general knowledge in their process of becoming these being easily exploited. Flexibility of thinking is also taken into consideration because this will allow them to change situations. It is possible that often contradictory reasoning should lead to appropriate solution. Therefore, in the taste for action and human relations one's intellectual work and reflection can be hidden. In other situations, pragmatism and sense of organization destroys the spirit of initiative and spiritual curiosity.

Certainly, acquiring a balanced foundation will encourage the officers to strive to prepare. This must be done for the youngest, at the time of initial (military college), because they have shaped personalities and good learning skills. The particularity of our military academies is also to prepare students that already have a job and are eager to learn.

Conversely, the graduation being inexperienced, they are generally concerned to acquire skills connected to their responsibilities. To a lesser extent, they agree to learn instructions, if they come down to simple recipes in the exercise of leadership. However, this pedagogy is of paramount importance and therefore, teachers and instructors will take care of their training. They will have to teach officers to accept complexity and overcome problems in order to be able to perform delicate tasks entrusted to them since their first operational employment.

Today, we see clearly the consequences which might result in complexity: the inability to decide and even worse, dangerous decisions that will be based on relevant analysis and can result in losses and unnecessary human mission failure. If the military teachers accept students' acquire skills and agree to teach as many lessons learned they will find need self-knowledge - that exactly matches a balanced corpus of possibilities - a set of knowledge or the opportunity to prepare for competition or work experience or other skills connected to their vocation. Self-knowledge is needed first, and then more knowledge to transmit in order to build motivation.

Their motivation should make them ready for learning and give them confidence as soon as the actors responsible for their training step in. In this sense, they must also have role models and these models will be teachers and their instructors.

We have now all the elements that allow us to define the training project for the future officer. However, as it is neither possible nor desirable to learn everything from initial training, we must focus on essentials. Indeed, the preparation of experienced officers will progressively come in with tactical and technical skills which will make them competent to exercise command on different levels of military hierarchy.

The initial goal is therefore to provide a pedestal future officer with necessary and sufficient skills, knowledge and opportunities that will then allow him to acquire and consolidate the experience and work. He will be provided with a foundation on which he will gradually and harmoniously build the career of an officer. The provision of training to officer must therefore be made after we have verified that he has basic skills and aspirations, enabling him to:

• develop additional skills full of genuine and deep sense of civic duty;

• acquire a broad general education as well as technical and tactical fundamentals (in terms of knowledge and skills) essential to any military commander;

• acquire all possible balanced physical, intellectual and moral skills indispensable to any officer. Pedagogical and psychological processes in which to optimize this training should be limited to the following rules:

– orientation of the structures of all general education officer by profession;

– combination as often as possible with general education and technical or tactical skills;
– placement of students; early stage will include the possibility to be autonomous and responsible both in their preparation and their actions.

The project preparation should also be guided by concerns for demanding quality in accordance with the legitimate aspirations of future officers, on the one hand, and on the other, character, often extremely difficult missions that will be assigned in the early stages.

Therefore, the training project includes three complementary and inseparable areas:

• military training which will make all the technical skills required and sufficient for the initial training stage;

• academic preparation that will allow the assimilation of a vast general culture and develop a taste for intellectual effort (conceptual project);

• preparation of human which must prevail throughout school and will allow future development of progressive and balanced officers.

The training program should be part of fully customized training goals and needs of groups of Armed forces.

On the one hand, this choice may promote maturity of knowledge, skills, knowledge, and give officers their status. On the other hand, chiefs of staff can weigh the needs and define the content and pace of officers' initial training. To preserve this skill when the forces' context of employment is in a profound evolution, and requires the officers' training to become more complete, is clearly an imperative.

Although cross-shaped, this training also implies overlapping periods of military training with academic ones.

Here are just some ideas on preparing our army officers. Therefore, I consider this subject is still open to debate in order to have a more complete picture on decisions to make so that Romania can meet the new demands of the national and multinational operational field.

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EDUCATION IN THE MILITARY SYSTEM WITHIN THE STRATEGY OF NATIONAL SECURITY AND THE REQUIREMENTS OF THE ALIGNMENT TO THE EUROPEAN STANDARDS

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The strategy for national security, seen as a national instrument which gives force and practical value to these requirements, represents an integrating factor of synthesis; it becomes operational by means of an aggregate of decisions, plans, measures and actions meant to prevent and to efficiently counteract the risks and threats which may endanger the values and national interests, as well as the values which confer identity and unity to the European construction.

Keywords: international relations; European Union; national security strategy; the Euro-Atlantic security.

At the beginning of the new millennium, the world and the international relations have become more complex than they used to be. It is quite a paradox that, nowadays, when the time of the cold war has gone and the European continent is having a real chance to integrate on the basis of the values of democracy, market economy, respect of the fundamental human rights, security has once again become a very controversial matter, potentially even more than before.

Within such a tense and complex context, the security of each country, as well as the security of the international community as a whole, relies not only on the capacity of reaction and adjustment, but also on the capacity of anticipation and proactive action.

Within a complex, dynamic and conflictual world, on its way to globalization, the solid understanding of the major tendencies in the evolution of international security and of the modality in which each country is given

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the chance to become an active part of this process, represents an essential condition for progress and prosperity. To know, to understand, and to correctly evaluate the internal processes, the degree of social cohesion, the capacity of public mobilization represents a necessity no less important for the accomplishment of the national projects.

The national security, seen as a cumulative convergence factor aims at insuring the status of democratic normality to which society the citizens, the communities and the state are aiming too, based on the efforts regarding the full setting up of the legality, the economic prosperity, the social, and political stability. *The national security* is carried out within the democratic order by: full exercise of citizen's rights and freedoms; conscious assumption of responsibilities; improvement of the capacity of decision and action of the state; advance of Romania as an active member of the international community. It addresses to the Romanian citizens as well as to all those who, by exercising the right to free circulation and initiative, live, work or are temporarily on the territory of Romania.

The strategy for national security, seen as a national instrument which gives force and practical value to these requirements, represents an integrating factor of synthesis; it becomes operational by means of an aggregate of decisions, plans, measures and actions meant to prevent and to efficiently counteract the risks and threats which may endanger the values and national interests, as well as the values which confer identity and unity to the European construction.

National security is carried out by adequate measures of *political, economical, diplomatic, social, judicial, educational, administrative and military* nature, by means of the intelligence and security activity, as well as by the efficient management of the crisis, in accordance with the norms of conduct of the European and Euro - Atlantic community and the provisions of the international law.

Within The Romanian National Security Strategy, it is stipulated that *the risks and threats addressed to the national security can be amplified by the existence of certain vulnerabilities and dysfunctions,* among which we'd mention: certain negative tendencies persisting in the demographic aspect and in the massive migration; the high level of the condition of social insecurity, the persistence of the chronicle state of poverty and the prominence of social differences; the fragility of the public mind and solidarity; the poor condition and the low efficiency of the health insurance system for the population; `*the deficiencies in the management and the insufficient resources and* the difficulties of adjusting the system of education to the requirements of society etc.

The national security strategy seeks to the carrying out of the following objectives: the convenient identification and the proactive counteracting of all risks and threats; the prevention of the conflicts and the efficient management of risks, crisis situations, together with their consequences; the active participation to the promotion of democracy and the construction of security and prosperity in the neighboring areas of Romania as well as in other zones of strategic interest; *the profound transformation of institutions and the improvement of the national abilities.*

The efficiency of public administration represents an essential condition for ensuring the security and prosperity of the Romanian citizens. The process of adhering to the European Union has pointed out the fact that both the real efficiency and the public image of the administration can be affected by certain factors such as: corruption, excessive bureaucracy, poor expertise in fields of vital importance, lack of realism of certain programs, insufficient authority and efficiency of the law, poor capacity of absorbing the European funds. Eliminating or correcting these aspects would represent a major priority.

Nowadays, Romania has got stronger democratic institutions, on their dynamic way to consolidation and improvement, able to ensure the normal functioning of the state. A functional market economy, reliable and responsible institutions attending to the needs of the citizen, an independent law and adequate structures for putting the law into operation are major landmarks for a stable and democratic functioning of the state, on the basis of the values and principles which define Romania's statute of country member of both the European and Euro-Atlantic communities. At this point, any major side-slipping from ensuring a high quality in the activity of the administration may be seen as a possible risk for the national security. The risk factors identified during the latest years in the coherent, efficient, democratic and lawful functioning of the strategic components of the public administration represent – in the vision of the present strategy – targets for permanent analysis and action.

Likewise, the accelerated economic development – as a premise of welfare and security - definitely depends on the degree of competitiveness of the nation. Romania cannot become really competitive unless we have a well educated society, directed towards knowledge, able to fully capitalize the resources of intelligence and creativity, originating in the firm belief that a well instructed and flexible working power represents an essential condition for the success of the European integration and of the revaluation of the opportunities given by globalization. This makes it necessary to ensure the access of all citizens, the ones in the countryside or in the disadvantaged areas included, to a quality education all through their lives and it aims at profound transformations in the field of education, research and development.

To get to this point, the profound transformation of the system of education, the military one included, must be accelerated and firmly directed towards the requirements given by the new realities – the integration of Romania in the European Union, the European offer on the labour market, the necessity for adjusting to the European systems of education and professional training.

Consecutively, *the system of education must ensure* the stimulation of the permanent education, the quick modernization of public education and the strengthening of the private educational institutions, the reform of early education, the growth of the institutional capacity for the preparation and management of projects, as well as the integrated supporting of education, research and innovation. The growth of Romania's competitiveness on the global markets will also be supported by policies and programs of enabling the access of enterprises to the results of research and development, an option which implies not only important managing efforts but also budget funds in accordance with the objectives aimed at. *The growth of the amount of the allotted funds must be accompanied by a judicious identification of the strategic priorities.*

The administration of the rapid phenomenon of the democratic ageing, of both internal and external fluctuations of migration as well as the technological "battle" for competitiveness are only some of the most important challenges of the European labour markets.

From the point of view of the European Union, education, professional training and youth are incumbent to the member states. The Union's agreement contains Directions, action programs and Conclusions, Resolutions and Declarations of the Council or of the Council and of the meetings of the ministers of Education from the Council, which take into consideration various aspects (i.e. the equality of chances, illiteracy, school security, facilities for the minorities etc).

Within the European context, the maximum of importance is held by the Lisbon Agenda which represents actually a way for the implementation of the European Strategy of Occupation. On the 2nd of February 2005, the European Commission proposed a new beginning for the strategy of Lisbon, directing the efforts of the European Union towards two main axes: *a stronger, more lasting development* and *better working places.*[1]

Both the European Council and the European Parliament and its social partners endorsed this proposal. Among these endorsed key actions we can mention: a support for knowledge and innovation and the removal of all the obstacles for the physical, occupational and academic mobility.

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[1] COM(2005) 330, SEC(2005) 981, common actions to develop and occupy: Lisbon Community Programme

The *Lisbon Agenda* may look like a luxury for Romania these days and the effort of heading to the direction of an economy based on knowledge, while we haven't strengthened the market economy yet, is quite a venturing attempt. Nevertheless, the effort has to be made; first because the Agenda of Lisbon has been highly considered on the list of priorities of the European Union which we joined at the beginning of 2007. Second, because an economy based on knowledge represents Romania's chance for adding more value to its products and services on an intermediate and long term.

In a stricter and stricter world, subjected to challenges which have been coming from lots of directions, the common citizen often considers education either a prerogative of the favorite ones or an occupation for the young and careless. The direction towards which the economy and the society at a worldwide level have been evolving is essentially tributary to education: "out of an economic agent which used to mean something only from the point of view of the number, presently, the human factor is getting more and more involved in the equation of the development, not necessarily by the dimension of its amount but especially by the qualitative-structural one, expressed by the volume and the contents of knowledge, together with their possibility of reproducing and renewal as rapidly as possible; lately, the labour power - originally a factor of national and international power with an arithmetic growth, directly proportional to the physical force expressed by the number, sex and age of the population – has become the bearer and the symbol of the power of a nation, a quality nowadays registering a quasi exponential evolution, mainly due to the intellectual force."[2]

Therefore, the capacity of profitably generating, processing and operating the information becomes the support for the creative and innovative potential of a nation; it is getting a raising importance and the development of suitable scientific machinery represents an essential premise in the building of a modern and efficient economy, be it today or tomorrow.

More than ever, the economic power of different states is no longer measured only in terms of the sum of the material values produced (B.I.P.) or in the amount of population, but also in *the power of the national intellectual and human forces of permanently* producing *and innovating*. The hierarchy of certain countries based on the educational supply is an essential cause of the fact that states such as the United States, Japan, Germany or France are

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[2] In this respect see: Ciutacu, C., *Cerinţe ale formării şi perfecţionării forţei de muncă. Analiza critică a măsurii în care profilul şi nivelul de calificare a forţei de muncă ocupate poate răspunde exigenţelor dezvoltării social-economice*, în Formarea profesională şi perfecţionarea forţei de muncă în condiţiile creşterii economice intensive. Direcţii de perfecţionare în concordanţă cu imperativul progresului economico-social, IEN, Bucureşti, 1989

situated ahead of other countries with large populations (India, Pakistan, Nigeria etc.), just by virtue of their economy, technology, wealth and productivity.

The contribution of education and professional training to the growth and the economic development has been intensely studied. The available data and studies show the fact that education and professional training are the main factors contributing to the economic development and progress. The data prove the fact that the investments in education and professional training generate the most important gains and that *any rise of the level of education of the labour force represents an important factor of economic growth.* The achievement of the objectives of the Lisbon Strategy is possible only on condition of the existence of a labour force highly skilled and adjustable, able to efficiently apply the knowledge and new technologies on the market. This is a target to be reached only by increasing the participation to learning in the long run, raising the level of education, enlarging the capacity of the system of education and initial professional training to provide competences and abilities required by the labour market etc. The systems of education and professional training must be developed and modernized with a view to a better adjustment to the continuously changing needs and to the rapid evolutions registered by the economy and the society.

Several directions have been suggested for the application of the general dispositions from the *EU Treaty* (art.117-128) regarding the equal treatment for men and women in the field of labour and social security. Among these, I'd mention Direction no.76/207 which lays down as an obligation for the Member States to include in their national legislation such dispositions as meant to ensure the equal treatment for men and women, regarding the access to jobs, to professional training and promotion as well as certain aspects in connection with the working conditions.

For the application of the dispositions of art.128 of the Treaty of the EC, the European Council issued the *Decision of April 2ⁿᵈ 1963* by which the general principles regarding the professional training within the Community have been established. This decision stipulates any person's right to freely choose the profession and the institution where (s) he will be trained, to receive the suitable professional training, to improve one's knowledge and to professionally reconvert whenever necessary.

By *Regulations* no.75/337 the *European Center for the Development of Professional Training* has been created with a purpose to contribute to the equalization of the levels of professional instruction and training and the common formation of the trainers. The youth's right to a minimum period of training after the graduation was decided by the Council by a resolution in 1993.

Professional training was given a special attention in a chapter allotted to this field contained in *The Maastricht Treaty*. Thus, Art. 127 refers to the application of a policy of professional training which should endorse and complete the actions of the member states, with the preservation of their responsibilities for the contents and the organization of the professional training.

On December 9th 1989, the states member of the European Union (with the exception of Great Britain) adopted the *Charter regarding the Workers' Fundamental Social Rights* which stipulates the fundamental social rights for the citizens of the Union, among which the right to professional training (art.15).

Education, professional training and youth go into the competence of the member states. The community agreement is contained in a Direction back in 1977 (the education of the children of the people who are changing the working place within the Community), action programs and Conclusions, Resolutions and Declarations of the Council or of the Council and of the meetings of the Ministers of Education from the Council, which take into consideration various aspects such as the equality of chances, illiteracy, school security, facilities for minorities etc. Moreover, two organic structures have been created: *the European Center for the Development of Professional Training (CEDEFOP)* and *the European Foundation for Education*.

In accordance with *the European Union Treaty*, the Union must contribute to the development of the quality of education which should also include a European dimension and should endorse and supplement the action of the member states, by being respectful of the cultural and linguistic diversity of each of them (Art.149, former Art.126) regarding the contents of education and the organization of the educational systems. It should also implement such a policy of the professional training as to endorse and supplement the actions of the member states (Art.150, former Art.127), also meant to enable the adjustment to the industrial changes and lead to the rising of the employment rate. These stipulations started being implemented by means of three major programs: Socrates, Leonardo da Vinci and Youth.

The development of the systems of education, of the initial and on the long run professional training, subsequent to the objectives in the European Union, specifically takes into consideration the priorities established by the Declaration of the European ministers of education and professional training and of the European Commission, agreed about on November 29th and 30th 2002, regarding the strengthening of the European cooperation for the professional training – *"The Declaration of Copenhagen"* that is: *European dimension, transparence, informing and counseling, acknowledgement of competences and qualifications, provision of quality of training.*

Lisbon Agenda in order to implement the *European Strategy of Occupation* established that until the year 2010 the average level of the

participation to life long run learning of the population with ages between 25 and 64 should be l2.5%. Even though, the central objective established at Lisbon in 2000 meant to turn the EU into the most competitive economy based on knowledge, has proved, for the latest 10 years, to be too ambitious already. Reports of the European Commission or prepared by independent experts have shown that the general performance of the member states is quite disappointing. That is why the adoption of a revised version of the Lisbon Agenda has been indispensable.

However, we should mention that there exists a large diversity regarding the efficiency of the policies of the countries in the European Union. While we could appreciate that some of the member states have achieved more than was suggested in Lisbon (i.e. the northern countries), many other have considerably lagged behind. Part of the causes of such developments could be found in the combination of reforms directed towards the market and measures of public policy, but there is no such thing as a miraculous formula which could be applied in order to reach the perfect balance. No matter what, it is generally assumed that the principles of the Lisbon Agenda of investing into the human capital and research, of promoting innovation, of strengthening the home market etc, are important guiding lines for the growth of the European economic prosperity.

On February 2nd 2005 the European Commission proposed a *new beginning for the Lisbon Strategy*, directing the efforts of the European Union towards two main axes: the stronger and more lasting development, on one hand, and better jobs[3] on the other hand. Both the European Council and the European Parliament and its social partners endorsed this proposition. Among the key actions we could mention the support for knowledge and innovation and a way to obviate all the obstacles to the physical, occupational and academic mobility.

The strategic targets regarding the systems of education and of professional training established by the European Commission in 2002 within the European Council in Barcelona as well as the decisions adopted at a European level within the "Bologna process" have given an impulse to the process of reforming the system of education in Romania.

Education most probably represents the key institution which could allow to a large number of Romanians to capitalize the home potential, the one that has given certain countries such as Finland (having much less natural resources) the possibility to promote a lasting economic development.

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[3] *COM(2005) 330*, SEC(2005) 981, common actions to develop and occupy: Lisbon Community Programme

If Romania's goal is the turning of the economy into a market system well structured and functional, able to supply the market with quality goods and services, then it is essential that the system of education and the initial and long run professional training should continue and ensure the development of knowledge, skills and abilities in accordance with the evolving requirements of the jobs.

How could the process of Lisbon contribute to the macroeconomic stability in Romania? Among other things we would mention the fact that a better access to education and knowledge can help to the growth of the saving and investing behavior (as opposed to consuming), on one hand. On the other hand, it helps the professional dynamic of the employees (by also raising their mobility). At the same time, the policies of active employment and social insertion are solutions to the problem of the unemployment.

The Lisbon Agenda may really seem a luxury for Romania's economy which still presents risks as structural vulnerability. This, however, would be wrong thinking. Finally, reaching the objectives of the Lisbon Agenda would strengthen, among other factors, the basis of the economy and would decrease the risks, because it would take Romania to a different stage of economic development – from an economy intensive in factors to an economy intensive in innovation. Until then, Romania should strengthen the market economy and create a friendly business climate which should promote the research, the development and the innovation.

The aspects of education and professional training in the transition period become even more important when the whole society is confronted with obstructions originating from the powerful systemic crisis of society. Education and long run professional training represent highly important alternatives for overtaking the obstructions and they will be an important factor of the policies of managing the labour force market, and education within the military system couldn't make an exception.

As it is clearly known, the world of the next generation should be a projection of the present one. We are pretty sure that in the coming years the tendencies now in force, left at random, will have the opportunity to ripen , turning into real dangers or, by the help of all international actors, they will be eliminated from the big stage of the world. It all depends on how we understand and succeed in preparing the present for the future.

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DIPLOMATIC NEGOTIATIONS FOR SOLVING OF TRANSNISTRIAN CONFLICT - CASE STUDY - 1st Part -

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The territory between Prut and Nistru had a special importance in the geopolitical and geostrategical plans of Russian or Soviet Empire, russianization of Basarabia being fulfilled with the most brutal methods (wars, forced annexation, dictatorship, prisons, deportations, political police), both during the czarist occupation (1812-1918) and in the soviet period (1940-1941, 1944-1990).

Transnistrian conflict had developed typical of what has been defined as „frozen conflict", following a series of stages: military escalation, foreign intervention, the cessation of fire and create a security zone that would act forces peacekeeping troops composed of the parties to the conflict and Russian troops.

During the period that followed cessation of armed conflict occurred more plans of federalization of Moldavia as a single solution out of conflict, none of those not accepted by the authorities from Kishinev. Thus, the sensitive Transnistrian mater raises the same issues: federalization or secession.

It may be said that although initially the Transnistrian conflict has been a influence lever for Republic of Moldova, it subsequently became an instrument of Moscow for management of strategic balance in this area, the stakes of conflict beyond the local importance of a region secession to a state.

Keywords: conflict; strategic balance; military escalation; federalization; independence; separatist movement; secession.

At 19 years after the end of hostilities between the Government of Moldavia and the separatist authorities of Transnistria, the prospects for a political solution that respects Moldavia's territorial integrity and independence remain unclear.

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The authorities of Chisinau and Tiraspol are involved in a negotiation process which aims at defining the status of Transnistria within a unified Moldavia. The negotiations are mediated by Russia, Ukraine and the Organization for Security and Cooperation in Europe (OSCE), with U.S. and EU participation as observers. Complex domestic and international developments could favor reunification efforts of the country. The exploitation of these opportunities depends on the ability to coordinate efforts to solve the internal conflict with international developments. Republic of Moldavia has concerns that internal actions of the conflict's to be part of a broader context of developments related to EU and NATO enlargement and to the relations of these organizations with Russia and Ukraine.

EU and NATO enlargement is an enabling environment for the reappraisal of Western attitudes towards Transnistria. Considering that the Republic of Moldavia is on the border of NATO from 2004 and on the border of EU from 2007, Transnistria faces a transfer from a "Eurasian" post-Soviet conflict, in which Russia had a special role, to a "European" conflict in which EU is an indispensable part of the resolution.

Short history concerning the conflict's evolution
and the establishment of the prerequisites
for starting negotiations.

After 1989, due to the end of "Cold War" and the collapse of the USSR, a number of former Soviet republics began to walk the first steps towards regaining independence. In response, the Soviet leadership used the tactic of separatism stimulation in the "rebellious" republics. Thus, on September 2, 1990, in Tiraspol, there takes place "The second extraordinary congress of deputies of different levels soviets" in some localities nearby Dniester, which is proclaimed a new "republic" in Moldavia, the Soviet Socialis Dniester Moldavian Republic, in the USSR.

Moldavia has emerged as an independent state on 27.08.1991, as the successor of the Moldavian Soviet Socialist Republic (MSSR), which was created in 1940, after the Soviet annexation of Bessarabia (the space between Prut and Dniester, the historical name Bessarabia). MSSR territory (37000 km²) was established from Bessarabia and a part of the former territory of the Moldavian Autonomous Soviet Socialist Republic (MASSR). To justify the territorial expansion and the setting up of "Moldavian Soviet Socialist Republic" statehood, the Soviet state promoted a hard policy of denationalization and setting up of a "new nation", the "Moldavian" one.

The turning point of the "Soviet Moldavianism" was the Romanian-phobia, a fact inoculated by all means of the totalitarian state (deportations,

physical destruction of the intelligentsia, the artificial famine of 1947, the "brainwashing" etc.). The distinct past history of these two parts of the Moldavian Soviet Socialist Republic (MSSR), and the varied ethnic composition of the population, led to the opposite side dominant political processes that followed after 1985.

Under the policy of "perestroika" initiated and promoted by former Soviet President Mikhail Gorbachev in 1985, in all former Soviet republics became possible the approaching of the local population national emancipation problem. These two moments, the national emancipation of the local population and the conversion of the Moldavian Soviet Socialist Republic (MSSR) in an independent state, have provoked hostility in the industrial centers of eastern Moldavia. The dominant mood in the region and the young Moldavian democracy mistakes have been skillfully exploited by the Soviet leadership, and after 1991 by the Russian Federation. The troops of the former 14th Army (its units have been deployed since 1945 in the eastern Moldavia) contributed to the worsening situation, too. Thus, we see a factor overlap between the constitutional power and the separatist regime, after which the latter had established full control of 12% of Moldavia's territory and population of 700,000[1]. Throughout the war in Transnistria (March-July 1992), the separatist movement was financially, logistically and militarily supported by Moscow. During the progress of armed hostilities between the Moldavian forces and the separatist forces, the Kremlin decided to shift the 14th Army under its jurisdiction, as a Russian army, and later they involved it in a conflict[2].

The peace was not negotiated between the belligerents, but by the special envoys of the Russian Federation (the President Boris Yeltsin), Moscow conferring upon itself its position as mediator in the conflict, position embodied by requesting to the Republic of Moldavia to accept the

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[1] This bloody conflict was triggered in response to pro-Romanian trend of Chisinau in early 1990´s and left behind about 1,000 dead and 4,100 wounded. 14th Army played a decisive role in the confrontation, tipping the balance decisively to the Transnistrian separatists.

[2] Iulian Chifu, *A bloody conflict orchestrated by Moscow, War of Transnistria in history files*, no. 2 (30) / 1999, pp. 54-58. The decree signed on 01.04.1992, the 14th Army, representing former troops of Army Group South-West of the USSR, went directly subordinate to the Russian Defense Ministry, noted that, after the collapse of the USSR, an important issue that independent states - newly created faced was the former armed military presence on its territory of the USSR. Russia, Belarus and Ukraine have taken military heritage of the former USSR, but without a treaty to that effect. The 14th Army to regroup in parts of Transnistria (Ribnita, Tiraspol and Bender) after Moldova declared independence, without the authorities in Chisinau to be announced, the previous creation of paramilitary troops in 1989, as part of a dismantling Republic of Moldova. The 14th Army also coordinated and Cossack formations, KGB special forces deployed by the self-proclaimed Republic of Transnistria Russian Federation, under the pretext of defending the rights of the Russian population in other CIS states.

special status of the breakaway region as a prerequisite for withdrawal of the 14th Army. The behavior of the Russian diplomacy during the post-conflict period revealed the Russian involvement in maintaining control of Tiraspol. It is about the undeclared control of a Member State by the international community, without even being incurred or assumed the responsibilities arising from occupation, management and administrative management of a territory. Moreover, on 11.17.1995, the State Duma of the Russian Federation declared Transnistria a special interest area of Kremlin, Moscow's intervention in the region being justified by the Russians and Russophones rights protection.

The war, although it was never said, carry on without direct confrontation, the war being outdated classic stages and becoming one of the frozen conflicts, recognized in the area, together with the conflicts from the separatist regions of Georgia (Abkhazia and South Ossetia) and Azerbaijan (Nagorno -Karabakh), conflicts which came almost simultaneously, in effervescence, encouraged by the success of the Kosovo example[3].

The first phase of resolution attempts

Republic of Moldavia, independent state, internationally recognized and UN member, it doesn't control a whole region of its territory, declared himself independent: the east of the country, Self-proclaimed Transnistrian Republic (ART), unrecognized by any country in the world[4].

ART status was established as "de facto state". Such regimes are treated as partial subjects of international law: "Their unique status creates certain rights and responsibilities, primarily related to actions required for the support and welfare. They can enter into agreements, which are given a lower status to treaties. Besides the right to act for its population support, a "de facto regime" can be held liable for breach of international law"[5].

On the other hand, the legal aspect of conflict analysis shows that all basic documents signed during the years 1992-2008, are contrary to the Constitution of the Republic of Moldavia and put the foundation of the Moldavian state federalization. Premises that have been considered when Self-proclaimed Transnistrian Republic became negotiation part and took into account the less than legal expertise, which first was that, generally accepted,

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[3] In fact, Transnistrian leaders have repeatedly said that they encouraged the Kosovo model.

[4] Self-proclaimed Transnistrian Republic (ART) is organized as a presidential republic and has its own government, parliament, military and police forces, postal system and currency, has drafted a constitution and state-designated insignia. flag and emblem. The only recognition enjoyed was the separatist regions in the area.

[5] On 18.07.2006, in Chisinau, has been an international conference that American lawyers C. Borgen and M. Meyer presented their report *Thawing a Frozen Conflict: Legal Aspects of the Separatist Crisis in Moldavia.*

that is better to sit at the negotiating table to discuss, rather than not to exist at all contacts and negotiations, their absence leading to new conflicts.

Since 1992, the negotiation process between the warring parties is focused on two areas: determining the status of the Self-proclaimed Republic of Transnistria and decision making on the Russian military contingent located on its territory[6].

The Transnistrian conflict is particularly complex, having its own features:

• the economic one - within the Self-proclaimed Transnistrian Republic there are the main industrial enterprises of the Republic of Moldavia. In this region, it runs a strong economic and commercial activity, without Republic of Moldavia to have any control over it. It is stated that Self-proclaimed Transnistrian Republic was is the paradise of illicit arms, ammunition, drugs, money laundering business;

• the politic one - isolating this region of the Republic of Moldavia affects the territorial integrity and independence of that state, internationally recognized; Self-proclaimed Republic of Transnistria is not recognized by the International Community as an independent, sovereign, autonomous entity; the Self-proclaimed Transnistrian Republic separation acceptance of the Republic of Moldavia would be a negative and disastrous example for the region and even for the international community;

• the military one – it has on its territory foreign military forces, weapons and ammunition. The Russian Federation owns here important deposits of weapons, combat equipment and ammunition, which, under "the Istanbul Agreement" in 1999, they had to withdraw a long time ago. Also, the Tiraspol administration, with the tacit support of the Kremlin, has its own armed and police forces;

• the politico-military one - there are foreign military forces aimed to maintain the current situation of "frozen conflict", affecting the independent, sovereign and unitary status of the Moldavian state, status recognized by the international community.

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[6] Over time there was an integration of Army troops to the troops of the 14th breakaway (attracted special material conditions than the rest of the Russian Federation, they have passed the separatist forces), so it seems reasonable to claim separatist leader Igor Smirnov, that "the 14th Army to withdraw from Tiraspol only the commander and the battleflag". Although statutes and withdrawal of Russian troops from Tiraspol, Russian Federation State Duma has not ratified, by allegedly violate the autonomous republic. Since 1993 began to show international pressure to withdraw Russian troops remaining to no avail, such requests are recorded in the current period. Some analysts and officials think that if not withdraw Russian troops and weapons stationed in the region, there will be no change in Article addresses the issue of U.S. troops in Moldavia Russian Federations a separate issue from Transnistria, arguing that Moscow should respect the commitments made in Istanbul since 1999 (withdrawal of troops from Moldavia and Georgia).

In the conflict resolution were involved both several different states with different interests in the region (Russia, Ukraine, Romania) and some regional (Organization for Security and Cooperation in Europe - OSCE) and international (EU and UN the High Commissioner) organizations. The most involved was OSCE, because of its purpose and nature, as security and regional cooperation organization (European).

Overall, OSCE efforts to find viable solutions to the Transnistria conflict did not produce significant effects. The main reason for its failure is the rule of consensus, that is unanimity without which you can not take any decision. But the Russian Federation is a member of this organization and it use of this provision whenever it deems that its interests are damaged in any way in the area. Originally established for three years, the OSCE mission term was extended in December 2002 at the OSCE summit from Porto (Portugal), at the express request of the Russian Federation.

The performance of the OSCE in Moldavia, with the aid of the representatives and diplomats of the organization in Chisinau or Vienna, has been criticized by politicians and analysts from Chisinau and Washington. For example, in Porto (2002), the OSCE has suffered several political and diplomatic defeats from Moscow. The organization gave Russia another year, until December 2003, to withdraw all troops and arsenals from the Moldavian teritorry. Moscow had been already committed in 1999 (Istanbul) to do so until 2002, but they never intended to honor the promise. However, the final document of Porto, by its content, is even weaker than the Istanbul commitment, which it replaces.

The OSCE credibility seriously suffered when the representatives of this organization blamed the Tiraspol leaders, who "don't allow" the Moscow authorities to withdraw troops from Moldavia. The idea, or "the mistake", euphemistically speaking, is owned by David Schwartz, one of the OSCE representatives in Chisinau. Another blunder belongs to the OSCE representative in Moldavia, the American William Hill, who said that Moldavia should be transformed into a federation as the republic's population is multinational. Actually, Moldavia has a population of 4,300,000 inhabitants, grouped by nationality as follows: Romanians - officially called Moldavians - 64.5%, Ukrainians - 13.8%, Russians - 12%, Gagauz - 3.5%, Bulgarians - 2.5%, Jews - 1.5% and other nationalities - 2.2%. The 1999 census recorded the existence within the Self-proclaimed Transnistrian Republic of 679,000 inhabitants, and according to the 2004 census, their number was of 555,347.

The conflict resolution process under OSCE auspices compiled several stages. Thus, the period between 1992 (end of armed hostilities) and 2001 is characterized by a proximity policy of the Republic of Moldavia to Moscow,

with which the Moldavians signed a Friendship and Cooperation Treaty, but without causing the Kremlin to withdraw their remaining troops and weapons from the Self-proclaimed Transnistrian Republic.

Negotiations started in the "4" format: Russian Federation, Ukraine, Romania and Moldavia. On 21.07.1992, was signed the Convention on the principles of peaceful settlement of armed conflict in the Transnistrian region of Moldavia (Convention Yeltsin - Snegur). After signing this document, in 1993, Romania was excluded from the negotiation process. For the implementation of this Agreement, the President of Moldavia requested to the President of the OSCE in Moldavia to be sent a mission. OSCE established a long-term mission in Moldavia, and in April 1993, also at the request of Chisinau, the OSCE has been included in the negotiation process[7].

On 21.10.1994, Chisinau and Moscow signed an agreement on legal status and terms of withdrawal of Russian military units from Moldavia. Thus, the Russians, "taking into account technical feasibility and time required for the installation at the new site deployment troops", have engaged themselves to evacuate the military units from Moldavia in three years from the date of entry into force[8].

After 1994, the conflict resolution negotiations took place in the format of "5": Republic of Moldavia, Russian Federation, Self-proclaimed Transnistrian Republic, Ukraine and OSCE. On 08.05.1997, the Memorandum on the principles of normalization of relations between Moldavia and the Self-proclaimed Republic of Transnistria was signed and which, in paragraph 11, stipulated: "Republic of Moldavia and Self-proclaimed Transnistrian Republic build their relationships within a common state borders of the Soviet Socialist Republic since January, 1990 ". Using the phrase "common state" it let place for ambiguity: Moldavia interpreted this notion as a Self-proclaimed Transnistrian Republic autonomy within the

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[7] Dynamics of the OSCE in the frozen conflict in Moldova, Speech by Neil Brennan, Deputy Head of OSCE Mission to Moldova, at the seminar titled EUROPE frozen conflicts - democratic security dimension: if ART OSCE contribution to conflict resolution materialized the preparation of numerous reports on the situation in the region by seeking implementation of the Agreement on withdrawal of Russian troops, but also its role in the Joint Control Commission established between the Republic of Moldova, Russian Federation and self-proclaimed Republic of Transnistria, responsible for security issues in a demilitarized zone on both sides of the Dniester. As the increasing influence of the EU, NATO and the U.S. in the region decreased role OSCE.

[8] Constantin Solomon, *Transnistrian conflict and the negotiation format "5 +2" in Moldoscopie. Problems of political analysis*, no.3 (XLII), 2008. After 15 years of signing the agreement, Russian Federation failed to meet even internal procedures for entry into force of this Agreement.

Republic of Moldavia, as in Gagauzia, and Tiraspol as a confederation that would be a step in gaining independence from the Republic of Moldavia[9].

We underline that, due to the manifestation of these diametrically opposed positions, negotiations in the "5" format have failed.

”The federalization” - the second phase of the Transnistria resolution

In this phase, developed during 1997 and 2003, it is spoken about "federalization," which is just an idea supplied by the Russian Federation to solve the Transnistria crisis and, unfortunately, initially accepted, easily by the West.

On 08.05.1997, in Moscow, it is launched the basis of normalization of relations between Moldavia and the Self-proclaimed Republic of Transnistria Memorandum, also known as the Primakov plan[10]. Supporters of the project were not only Moscow and Tiraspol. Gagauz representatives stated that time that ”the Moscow Memorandum signed on 1997 is the only real and functional document that allows full resolution of all issues related to the internal structure of the Republic of Moldavia within a common state with Moldavia's participation, Self-proclaimed Transnistrian Republic and autonomous Gagauz”[11]. The Russian Federation has the project status of ”guarantor”.

The project provides, among other: common state consisting of two components with equal status[12], the Republic of Moldavia and the Self-proclaimed Republic of Transnistria, the distribution of powers by peer agreements between Chisinau and Tiraspol, negotiations with five participants (five-sided format): Russian Federation , Ukraine, OSCE, Self-proclaimed Republic of Transnistria, Moldavia, from which "mediators" and "guarantees" the Russian Federation, Ukraine, OSCE, thus excluding the direct participation of the West (or Romania) to negotiations and guarantees. Basically, under this project, the Self-proclaimed Transnistrian Republic would become "part" of the Republic of Moldavia, being able to control the internal politics and foreign policy of Chisinau. When OSCE put on the table a federalization draft as a solution to a crisis, the European or U.S. world looked to the problem with hope and goodwill. This is because in a democratic society "federalization" is a concept with positive connotations, associated with democracy, with human rights.

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[9] *Ibidem*.

[10] Artisan of this agreement is Yevgeny Primakov, known political scientist, former Prime Minister of Russia, between 1998-1999.

[11] Dan Dungaciu, *Transdniester, analysis and perspectives*, site of Moldavians in Italy, http://moldinit.com/publ/dan_ dungaciu_dosarul_transnistrean_analize_si_perspective/4-1-0-1432 - accessed June 13, 2011.

[12] Moldavia is a sovereign and independent, internationally recognized.

On 13.08.2000, the political analyst Yevgeny Primakov presented two documents, namely a draft of the Agreement on the basis of relations between Moldavia and the Self-proclaimed Transnistrian Republic and another entitled Basic Principles OSCE mandate, the forces for peace and statehood in the Transnistrian region of Moldavia. Philosophy and consequences of these documents differ from the text of 1997, including, on one hand, legislating and legalizing illegal presence of Russian army and weaponry in Moldavia, and on the other hand, transforming Moldavia into an dependent entity internally and externally by the Self-proclaimed Republic of Transnistria, which is fully controlled by Moscow.

In 2002, Primakov Memorandum becomes most concrete expression and, hopefully, the most convincing. The agreement between Moldavia and the Self-proclaimed Transnistrian Republic was prepared by the OSCE, Russian Federation and Ukraine. Text of this agreement is a logical continuation of the 1997 Memorandum and the philosophy underlying it is the same. The main idea of that document (the two "sides" are equal in rights) is preserved, as well as penta-side formula of the negotiation process. This resolution project of Transnistrian settlement was strongly criticized by the Chisinau media, from Washington or Bucharest. The reason was that the so-called "federalization" – in the formula supported by OSCE - is, in fact, a mechanism by which Moldavia will be dominated and controlled by the Tiraspol authorities.

And hence, it concludes that by the powers granted by the draft constitution, coupled with the presence of Russian troops in the region, Igor Smirnov's regime will say "no" whenever it is necessary, and will block any Chisinau initiative which will not be convenient for Tiraspol and Moldavia's independence will remain only on paper. Civil society and opposition parties have responded, rejecting the federal project.

After Primakov Plan failure, the Russian Federation proposes a new solution to the conflict, known as the Kozak Plan. Thus, on 17.11.2003, by means of Dmitry Kozak, deputy head of Presidential Administration of Russia, Moscow proposes to Chisinau a Memorandum for the Transnistrian conflict resolution. The text is in fact a Federal Constitution draft, which made the whole Republic of Moldavia dependent on Tiraspol, on Moscow therefore, it is the continuation string of initiatives in the same direction.

Initialling the document was required unexpectedly to Moscow, who wanted to put on the table, at the OSCE meeting in Maastricht (01-02.12.2003), at least one "achievement" in foreign policy, that a viable resolution to the Transnistrian conflict. The quick gesture of Russians left presumptives partners, U.S. and OSCE, perplexed. The Russian Federation

arrogated exclusive control of a space that had agreed in theory to discuss with one another. Kozak Agreement was not signed, but that does not mean that the Transnistrian file was closed.

OSCE and the federal project of 2004

At the OSCE summit in Maastricht (01-02.12.2003) it failed to adopt a final declaration, the Moldavian President, Vladimir Voronin, rejected at the last moment Moldavia's federalization plan[13]. This meant that the terms for the army and weapons retirement from ART remained in force. Opposition leaders from Chisinau have stressed both this and the idea that the federal project proved to be a failure.

It began to emerge more clearly a hesitant and confused diplomacy in solving the conflict, manifested in particular by the Russian Federation. On the other hand, in the year 2003, it became clear that the Self-proclaimed Transnistrian Republic was not interested in changing the existing status quo.

Likewise Romania reacted, which also stressed the need for a federal plan to be accepted by the citizens of Moldavia and also to ensure the functionality of this state and effective control of its entire national territory.

In late December 2003, in Chisinau it was spoken about three federalization projects: the Kozak Memorandum (Russian Federation), the "mediators" document (Russian Federation and the OSCE) and a project of President Vladimir Voronin.

In 2004, Bulgaria took over the OSCE presidency and the conference from Sofia, from 27.01.2004, the "mediators" Russian Federation, Ukraine and OSCE, decided on William Hill's proposal to combine the "mediators" document with the Kozak Memorandum in one document. OSCE proposal was accepted by the Russian Federation and Ukraine. Thus, on 13.02.2004, the OSCE Bulgarian Chairmanship spread the document entitled Mediators proposals and recommendations from the OSCE, Russia and Ukraine, for Transnistrian settlement. It proposes and recommends, again, the Russian solution, that federalization of Moldavia. At the same time, this document

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[13] Kozak Memorandum, if it were signed on 25.11.2003, would have led to the liquidation of "de facto" legalization of Moldavia and the presence of Russian troops on its territory by 2020. Basic arguments which Moldavia rejected the Kozak Memorandum were: the fact that Russian troops were negotiated in Moldavia for a period of 15 years, that according to the project, the Upper House of Parliament of the Republic was to include a component equal members of the breakaway Republic of Transnistria, Gagauzia and Moldavia: each 9 deputies and deputies of ART and Gagauzia could ever unite to block the functioning of Parliament in Chisinau, the project stipulated that if the upper house lawmakers will not meet the wishes of the authorities of Gagauzia ART or they can be withdrawn at any time and replace with other members.

leaves the military and political issue up to the pentagonal format, dominated by the Russian Federation, and it provides to the Self-proclaimed Transnistrian Republic voting right against the Western participation in peacekeeping operations / guarantee military situation in the area.

On 09.03.2004, Chisinau proposed the draft statement called on the Soviet elite basic principles of the Republic of Moldavia, project that essentially takes preceding set of documents theses. In addition, its contents will be approved by referendum (it is taken into account most of those present to vote). On 16/03/2004, the Moldavian Minister of Integration, Vasile Sova, called Transnistria mediators to set a date for the resumption in pentagonal format (Russian Federation, Ukraine, OSCE, Moldavia and the Self-proclaimed Transnistrian Republic). According to the Moldavian minister, the documents should form the basis for future negotiations as mediator recommendations, and proposals of the Kozak Memorandum in Chisinau. The call remained unanswered, but, on 05.04.2004, the Minister Vasile Sova called again the OSCE Permanent Council to make further efforts to help the earliest resumption of negotiations in pentagonal format, which had been suspended after Chisinau refuse to sign Kozak Memorandum.

Negotiations in the format "5 +2"

Since 2004, there was a policy shift of Moldavia to the West, in the prospect of future EU membership[14]. It was believed that a future membership would solve the Transnistrian problem, too. There have also increased the links with Romania and there have established a partnership with the new political leadership of Ukraine (since January 2005), too. The Moldavian President, Vladimir Voronin, proposed a Stability and Security Pact for Moldavia, which stipulated, among other things, the changing of the negotiations formula, adding to the list of EU mediators, U.S.A and Romania. But Moscow's reaction was clearly against the possible involvement of Romania in the negotiations to settle the Transnistrian conflict.

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[14] On 28.06.2001, Moldavia has signed with the EU The Stability Pact for South-East, the Russian request, the document was introduced two clauses: EU not to sign a Stabilisation and Association Agreement with the Republic of Moldavia and not involved in conflict resolution. In the period after signing this agreement, the EU foreign policy have been significant changes resulting from EU enlargement policy (in 2004 joined 10 states, and in 2007, two other countries including Romania, bringing the EU have a common border with the Republic of Moldavia). European Neighbourhood Policy (ENP), developed since 2003 to 2004, contributed to the partial revision of EU policy towards conflict. The proposed Action Plan Republic of Moldavia ENP, see EU in solving this conflict on its borders stability. Appointment of EU Special Representative in Moldavia was part of the same process of increasing EU involvement in settling the Transnistrian conflict.

In early 2005, after signing the EU-Moldavia Action Plan (February 2005 - January 2008), EU and U.S. have agreed to participate in the negotiation as observers. Since then, the negotiation takes place in the "5 +2" format: the two parties involved, the Self-proclaimed Republic of Transnistria and Moldavia, the mediators - OSCE, Russia and Ukraine – and the observers - U.S. and EU.

Since 2005, it runs a new stage, its features persisting in the current period: trying to identify negotiated solutions to conflicts and strengthen the position of the Republic of Moldavia, with the arrival of U.S. and EU in the negotiation process.

If in the previous period, the Russian Federation holds the first position in the manifestation of an oscillating diplomacy, delays or failure to comply with commitments, it the turn of the so-called Transnistrian diplomacy to behave according to its main goal: to maintain the existing status quo. One year after the establishment of this new system of negotiation, in 2006, David J. Kramer, Deputy Secretary of State responsible for European and Eurasian affairs in the U.S. State Department, specialized in Russian Federation, Ukraine, Republic of Moldavia and Belarus problems, he gives from the negotiation table not a very encouraging picture of progress: "I participated in three rounds of negotiations on the Transnistrian conflict and I must admit being frustrated. It is a bit like the movie "Groundhog Day" where a character wakes up every day to live the same forever [...] the progress remains limited, if any, because I think that, to some extent, some of the parts are not interested in getting some progress, but as usual [...]. Part of the problem is the lack of seriousness regarding the Transnistrian side. Transnistrians are not interested in changing the present status quo. One of the problems we face is that often Tiraspol representative maintains that it has the necessary authority for decision, and we've invited him to bring the discussion persons authorized to make such decisions, so that we can do something"[15].

EU and U.S. presence in the negotiations has produced almost a rebalancing of the scales, which inclined since then for Tiraspol. Thus, Washington has insisted as Kiev to implement the customs agreement with Chisinau, which basically emphasizes the territorial integrity of Moldavia, there are both a means of pressure on one party, as long as delaying negotiations to bear fruit.

Since March of 2006 negotiations in the "5 +2" format were suspended, Transnistrian leader Igor Smirnov accusing Chisinau of installing "an economic blockade" by introducing a registration procedure of the

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[15] Interview by Victor Roncea for the "Ziua" newspaper, with the U.S. negotiator for Transnistria, David J.Kramer, published on the website of "9AM News" on April 5, 2006, accessed on June 13, 2011.

Transnistrian exporters, on the right bank of Dniester. In fact, this measure resulted in the Transnistrians to withdraw from negotiations. Since then, Igor Smirnov conditioned the returning to the negotiating table by the end of the "economic blockade" of Chisinau and the accepting of Republic of Transnistria status as "equal participant in the negotiations".

Resolution efforts from the Ukrainian diplomacy

On May of 2005, Ukraine's leadership formulates its own proposals to solve the Transnistrian conflict, which gave to the Self-proclaimed Transnistrian Republic widest possible forms of autonomy and also provides its democratization and demilitarization.

The Ukrainian proposal, known as Yushchenko Plan, provided the conflict resolution through a settlement negotiated and free elections, stipulating, in particular the following:

- Republic of Moldavia to be sovereign, independent, full of territorially and only one subject of international law;
- Providing administrative-territorial entity status in the Republic of Moldavia, in a republic form, for the Self-proclaimed Republic of Transnistria;
- own constitution and symbols (flag, emblem, anthem) for the Self-proclaimed Republic of Transnistria;
- Formalizing the three languages within the Self-proclaimed Transnistrian Republic, namely: Moldavian, Ukrainian and Russian (Crimean model).

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SHORT CONSIDERATIONS ON ECO-THEOLOGY FROM AN INTERDISCIPLINARY PERSPECTIVE: LAW - PHILOSOPHY - RELIGION

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Eco-theology is a relatively new concept, which proposes the possibility to consider the currently serious environment problems to be very important for theology. Eco-theology is a subject for research for specialists in environmental law, medicine, biology, religion and philosophy. The topicality of the fundamental theoretical problems of ecology resides in the ecological researches towards understanding the laws of organization and evolution of life forms. The ecological researches have very significant in solving problems related to the rational use of biological resources and in preventing environment degradation.

From the very beginning, I have to state that I am not trying to invent new terms, new sciences or law branches. Since the Bible, there is no orginal text, everything is intertext, adaptations and redefining; even the great William Shakespeare or, more recently, Paulo Coelho did no more than to take fragments from the Gospels or the Philokalia thinking and adapt these to the time and people; because, as the Ecclesiaste says: „what has been, that will be, and what happened will happen again; there is nothing new under the sun".

Even in the legal field, where laws derive from religious norms; for example: the Decalogue, it seems that from the Roman law there is nothing new, it is all text and intertext. Partially true, I can be contradicted, but except the environmental law, a new law branch, the other new law areas are insignificant. Or, as the regretted professor Antonie Iorgovan said: „in a metaphorical wording, the science knowledge is nothing but a constant process of language perfection to evoke the essence".

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We can find the same opinion in another one, according to which, in the international law science, the use of terms to separate different law in different branches derivates from the systematization of national law and appears in the codification of the international law. This was done within UN, which inoculated expressions such as maritime law, diplomatic law and treaty law or, recently, eco-theology. We are facing a complex process with implications and complications through a historical process of the global law's evolution. It is about surpassing the classic paradigm of dividing the law in two parts, internal law and international law.

As any innovation, the eco-theology concept generates a series of discussions, raises questions to which the law specialists and practitioners search for answers and solutions. To some of these questions, I will refer and try to clarify and answer from a inter, multi and trandisciplinary perspective: law, religion, philosophy. Before this, I will present a few elements related to ecology, ecosystem and ecosphere.

Fundamental Notions on Ecology, Ecosystem and Ecosphere

From an etymological point of view, the term ecology originates from the Greek *oikos*- house and *logos*- science. Today, ecology is defined as a science that examines the conditions of living creatures and their interactions between them and the environment. The topicality of the fundamental theoretical problems of ecology resides in the ecological researches towards understanding the laws of organization and evolution of life forms. The ecological researches have been very significant in solving problems related to the rational use of biological resources and to the prevention of environment degradation.

Besides the increased material productivity, the unprecedented technical development in all the areas of human activity has led to damages against nature in various forms (disturbance of natural ecosystems, environmental pollution etc.). By associating juridical, educational and administrative measures, an effective and positive result can be obtained, regarding environmental protection. Without proper education, any measure to protect the environment will fail miserably.

The ecological education has to develop within the whole humanity an attitude of respect and responsibility towards natural resources in order to protect them. In the education process, it is very important to acknowledge that man, as a biological species, depends on nature and cannot exist outside it. The ecological thinking is actively integrated in all life areas, exerting a powerfull impact over the social conscience.

Ecology does not study the individual biological system, the individual organism, or plants and animal, but it studies the systems based on them. In conclusion, ecology represents the science which studies the supraindividual systems, such as: population, biocoenosis, ecosystem and biosphere.

The population, from an ecologic perspective, is a system based on individuals from the same species, situated in the same habitat.

Biocoenosis is a system of populations attached to a specific habitat.

The biotope (habitat) is an area occupied by biocoenosis and contains the abiotic environment (soil, water, air etc.) and the necessary elements for the development of organisms.

The ecosystem is a complex system composed of biocoenosis and biotope. The biosphere contains all the ecosystems on our planet, the living layer and its environment (lithosphere, hydrosphere and troposphere).

Systemic Organization of Living Matter

The notion „system" reflects certain features of organization of the universe. The system is a collection of objects and symbols which form a whole. The interaction between the system's elements and their organization in space and time holds the system together, as a unit. The components of a system (the subsystems) are closely tied together through spatial reactions and interactions, performing certain functions and contributing to maintain the system's unity and fighting against outside forces which try to destabilize the system.

From the perspective of the relations between the system and the environment, we can distinguish three categories:

a) isolated systems - there are no exchanges of matter and energy

b) closed systems - there are only energy exchanges

c) open systems - there are exchanges of matter and energy

Biological systems are open, informational, have a self-preservation, self-reproduction, self-regulating and self-development capacity. These systems have an antientropic behavior, which gives them stability in their relations with other systems. Each system has its own structure, as well as its own functions. The structure represents the system's form or architecture. For example, the existing interconnections between the system's elements could be of a morpho-physiological nature and fulfill the main functions of an individual: self preservation and self regulation. All the living creatures have a series of characteristics which differentiate them from their system, characteristics which they have perfected over the course of time:

a) an historical characteristic

b) the informational character

c) integrality

d) dynamic balance
e) program
f) self regulation

a) Historical trait

Evolution, as a movement and transformation process, is a general characteristic of living matter. However profoundly we know the composition of a biological system (a micro-organism, a plant, an animal), using the best analytical methods, we will never manage to explain its structure and functions if we do not analyze its history. Every organism, from the most primitive to the most complex, conserves and resumes in its hereditary assets the history of the population, a history of endless generations.

b) Informational character

All the biological systems function as informational systems which use energetic transformations as a way to receive, process, accumulate and transmit information. Any living organism, in its metabolic activity, transforms energy, thus communicating and creating relations with the environment.

c) Integrality

The components of a biological system have a morpho-functional difference, they establish between themselves connections and interactions which determine the functioning of the system as a whole. Each biological system is delimited from other systems and acts like a single unit, due to the connections which link its components. The development of its integrality coincides with the development of the system and leads to an increased efficiency and a better dynamic balance.

d) Dynamic balance

The dynamic balance is a state in which the biological or mixed system (individual, population, biocoenosis) maintains within the same limits, having only small fluctuations in time and space, as a consequence of the elements' interdependence. The causes which lead to a dynamic balance are environmental factors which permanently tend to destabilize the system and create an exchange of matter and energy with the system.

e) Program;

The evolution of each organism is created through a general program, which determines the sequential development of each stage in the organism's life. This program determines a series of inferior programs (to coordinate inferior levels). The individuals integrate as a component in the biological system which forms a population. This action is realized through a superior program to ensure the existence of a populational system.

f) Self-regulation

The open systems are organized so that the self-regulation will allow them to receive information. This process is realized through a mechanism of direct connection and feedback.

The Hierarchy of Biological Systems

There are two hierarchical lines: *individual hierarchy*, which contains the systems from which form an organism; and the *supra-individual hierarchy* which contains the individual, the population, the biocoenosis, the ecosystem and biosphere. Generally, the hierarchy of organizational levels has to be studied in connection with the evolution of the fundamental steps of biological development: cell, multi-cell organism, population, biocoenosis.

Individual Hierarchy

The individual systems have the next traits:

- the systems within the individual are directly connected between them and are linked through physiological pathways and morphological ways;
- in normal conditions, the systems cannot exist and function outside the organism.

The Hierarchy of Supra-individual Systems

Living matter exists through biological individuals, plants or animals, which are placed on different levels of development, from bacteria to plants with flowers, from protozoa to extremely evolved mammals. Biological individuals cannot live isolated. Every species has a certain territory, a certain geographical area, on which the individuals of a species are not spread evenly, but they are grouped in narrows areas, forming populations.

All the supra-individual levels (individual, population, biocoenosis, ecosystem, biosphere) represent open systems with self-regulation.

Hierarchical Ecological Systems

Ecosystem

The ecosystem, as a structural and functional element of nature, determines the ecosphere's complexity and it is the basis of actions and reactions from the living matter from the environment. As an element of nature, the ecosystem represents a bigger or smaller fragment of the biosphere, and contains a living component, plants and animals (biocoenosis), and the biotope (habitat), which forms an integrated assembly, in permanent interaction.

The ecosystem consists in the next three parts:
- abiotic factors (climate, inorganic substances etc.)
- autotrophic organisms (bacteria, algae, superior plants etc)
- heterotrophic organisms (phytophagous, carnivorous, saprophagous, omnivorous)

The ecosystem is characterized by certain interactions between the habitat (biotope) and the living matter, differentiated by circulation, transformation and loss of energy, in a well defined structural space.

The Ecosystem's Functions

The functionality of the ecosystem results from the relations between the species and the interactions with the abiotic factors. The essence of a proper ecosystem functioning consists in the presence of solar energy and nutritional substances in the biological circuit, where they are transformed in organic substances that compose the populations from the biocoenosis. Thus, the ecosystem appears as a productive unit which builds organic matter. The main functions of an ecosystem are: the energy function, the function of matter movement and the self-regulation function.

The Energy Function

The ecosystem works as an energy accumulation and transformation laboratory. There's no ecosystem that produces energy. The ecosystem's energy can increase only as a consequence of external factors such as the solar energy (which is the ecosystem's main energy source). A part of the solar energy which reaches an ecosystem is reflected, another part is intercepted by the biocoenosis and the last part is absorbed by the soil or water. Solar radiation is an energy with short wavelength. Thermal radiation consists in energy of long wavelength, and assures the necessary caloric energy for the organisms, favorizing metabolical functions, cell interchanges and bio-chemical reactions.

The Function of Matter Movement

The chemical elements which participate at the construction of a new world in nature go through the so called bioelement cycle in the nature: carbon cycle, nitrogen cycle, phosphorus cycle, water cycle.

Self-regulation Function

The self-regulation function of an ecosystem is the result of its way of organizing, an expression of reciprocal connections between component species and the biotope. Usually, an open system, as the ecosystem, has the tendency to maintain a certain state and to regress to the initial state every time there is a disturbance. This tendency to return to the initial state and to

maintain (in certain limits) a state of balance between the components from a biocoenosis is due to its self-control capacity. The self-control mechanisms which kick into action are:

- biodemographic, performing numeric control and monitoring the biomass
- biogeochemical, which set in the environment and in the organism the normal concentrations of the chemical components

Both types of control have a biological nature, and are conducted by the organisms from the biocoenosis.

Ecology and Christian Faith

Eco-theology is a relatively new concept, which offers the possibility to consider serious environment issues to be very important for theology. Eco-theology is a subject for scientific research for specialists in environmental law, biology, medicine, religion and philosophy.

The proposition that the prefix „eco" should be used along with the term „theology", to demonstrate the necessity to take measure to conserve and protect nature, was initiated by the well known Argentinean theologian Alfredi Salibian. We must remember that the reconciliation brought by Jesus Christ has two dimension: a vertical dimension, because it has restored the people's relation with God, and a horizontal dimension, which allows to restore the connections between people and the divine creation.

We cannot omit from our scientific research the relation that has to exist among the political sphere and theology. Therefore, a lack of collaboration and mutual agreement between the two entities can have serious consequences, because if we do not understand what happens in the political area, it will be very difficult for us to comprehend and participate at the legislative process.

Also, Christians propose, and even insist on the urgency to promote an ethic of social responsibility in managing natural resources, a concept named „serving the creation" which is opposed to the dominant school of thought, which considers economy to be superior to nature and which brought many negative consequences.

Interdisciplinarity. The New Paradigm in Research and Law Reform

We took the title from a recent work of the eminent professor Ioan Alexandru, a well known theorist in administrative law, to address the issue of eco-theology from the perspective in order to promote a dialog between religion, philosophy, science, law science; since the subject is insufficiently known in the academic, educational and ecclesiastic area.

On the other side, teaching religion in school and introducing this subject in gymnasium and high school curriculum makes it inevitable to join scientific theories and data with the religious and philosophical speech. There is a pressing need for a natural cooperation between the church and the academics and university environment.

The inderdisciplinary projects could prove to be a solution to create a coherent vision regarding the importance of interdisciplinary dialog in today's society and to obtain a set of much needed competence in the interdisciplinary dialog between religion, philosophy and science.

The presence of religion in schools brings numerous situations in which the professor (of religion, philosophy or natural science) has to correlate certain affirmations made during the class with other statements made during other classes. In this context, much of the knowledge taught regarding some disciplines comes in contradiction with other statements. Also, the interdisciplinary research is necessary to surpass the stage of isolation in its on research field and to surpass a formal and institutional level from the perspective of a dialog between religion, philosophy and science. Unfortunately, in the modern world, things tend to complicate, because the three main areas of knowledge, theology, philosophy and science, have become foreign to one another. That is why it is natural to ask ourselves if there is a way to create a communication between them, not in a formal and institutional way, but in a real and practical manner at a very profound level. Otherwise, we will each find ourselves isolated in his own research field. There is a lot of talk on the actual political and economic crisis, although the real reasons for this crisis are of a moral and spiritual nature, as an effect of the alienation of knowledge forms.

The Idea of God and Science

What is law? How is law? When is it law? Which are the meanings of law? Law-science, law-technology, law-art. Why is law today an inalienable dimension of human existence? These are just a few questions frequently asked by the specialists who work in this domain. These are questions which everyone could ask themselves, all the participants to the social life, those who see in law a way to conquer life and not become its slaves, and those who feel that God is in themselves, as Nicolae Titulescu said.

To offer an answer to all concerns specific for the ambition to prepare for such a profound and deeply human specialty such as the judicial area, the science of general law theory proposes a few fundamental instruments to work with. These instruments are: concepts, categories, principles, and essential notions. We understood that „per aspera ad astra", and that law study

presumes not only a method, a system or sagacity, but full faith in God; we express our hope that this approach can become a new start for the difficult interdisciplinary research.

When I make this remark, I am thinking almost instinctively of professor N.C. Paulescu and his work, „Philosophical physiology", over which i will not detail. I will resume only to quote: „The professor has to weigh all the words he speaks and has to demonstrate everything he states". As a professor, dr. Paulescu was an overwhelming figure, his physiology teachings were extremely impressive. „Which of us has not been enthralled by the emotion he so brilliantly evoked, when in front of the attentive students, he talked about the existence of God, that supreme force, in which he strongly believed". This is how he was evoked by Aurel Abramovici, a medic that only the turpitude and scientific theft left him without a Nobel prize. From the critical analysis of professor Paulescu, it is shown that only Jesus Christ understood the cause of conflicts and that only He gave the remedies which build a true scientific moral- the Christian doctrine. That's why Paulescu ended his second Physiology book with the philosophical declaration: „The science of life has led me into a preceding lesson: I believe in God. The same science makes me add today: I also believe in Jesus Christ".

The idea of God is a fundamental notion without which science falls into absurdity. The atheist materialism has overgrown in today's society, and falsely named itself the expression of science. Atheism used the prestige of science, although it contradicts science, so that it can impose itself to all the pseudo scientists. Through these scientists, atheism has spread through schools and has exploited the innocence and naivety of children and inexperienced young people who don't have enough knowledge to distinguish the truth from a lie, poisoning, with its malevolent doctrines, many generations.

As any error, materialism means ignorance, by the lack of culture, intelligence or passion. When I was 17, I was a materialist thinker because I did not have enough knowledge on nature; because my reason was not well developed; thus, not having a critical thinking, I believed everything I heard and read. Well, if I had not gained knowledge by studying continuously new things about the raw nature and living creatures, or if my intellectual capacity had remained at a childish level, or if I had not noticed that the true scientists repelled the materialism doctrine, today I would be a victim of this doctrine.

The adepts of materialism always say that modern science has driven away God, they know so well to maneuver this idea, that today it is almost an embarrassement to pronounce the word „God".

All of this was made in the name of science. Yet, the great scientists, the great creators of science, all proclaimed the existence of God: Kepler,

Galilei, Descartes, Bacon, de Pascal, Leibnitz, Newton, Herschell, Laplace, Volta, Ampere, Faraday, Maxwell, William Thompson etc.

On the other side, from those who deny the existence of God, who has enough value to oppose against those who I have just quoted? The materialists pretend that modern science is the result of their work. Well, it is in vain any effort to find among them a creator of modern science, except maybe the famous zoologist Haeckel. Although Haeckel is an anti-science spirit; he believed he was the creator of a new religion, the monist religion, and the sectarian fanaticism, of a very rarely violence, with which he tried to spread his ideas, clouded his judgment, his calm and impartiality, traits which are fundamental for a scientist. The creators of transformism, Lamarck and even Darwin, on whose ideas the materialists have build their system, believed in God. „Another cause for the belief in the existence of God, which is based on reason, and not emotion, impresses me with its weight. It resides in the extreme difficulty, better said in the impossibility to comprehend the Universe, containing the man and his ability to see in the future, as a result of a destiny and a blind necessity. Thinking like this, I feel obliged to admit that there is a primary cause with an intelligent spirit, similar in some ways to th man's spirit, and I deserve to be called a deist. I have never went as far as to be a real atheist".

The Christian doctrine and the pacification of humankind has a lot of enemies. The remedy recommended by Paulescu is the divine spirit of truth- a distinct feature of Christianity, saying: „I bow before this spirit of truth, i shout from the depths of my soul: I believe in the holy Spirit". Between religion and science there are no conflicts, the great cosmologists consider that the laws which govern everything that surrounds us were created by God in the so called initial phase, before the birth of the universe, and all that science does is to discover these laws, step by step. If we talk about the guarantee that god exists from the perspective of the scientist, it is given by the extraordinary perfection and coherence that exists between all the cosmic processes from the universe. And the great scientists are not afraid to say that this perfection is the work of God, the Creator".

We know that within the interference area where theology, philosophy and science meet there is a strong necessity to explain through an ecclesial perspective. It is a domain which has multiple risks and that is the reason why we have to explain, to develop an honest dialog in which we avoid unilateral and reductionist attitudes. On one side, an attitude in which there is a radical separation of perspectives and domains, and, on the other side, an attitude which tries to forcefully accommodate the perspectives, reaching a possible confusion and other situations which distort the honest relation between theology, philosophy and science.

An area in which, according to some voices, science and religion are reconcilable is technology, which a lot of people see as something completely opposed to religion.

The Use of Technology and the Environmental Protection

In any case, the tendency to blame technology or the environmental problems is not due to our desire to find a scapegoat each time we do not fully understand the social events.

The desire to have decent life conditions, equality and better society rules has a powerful impulse towards a good environment administration. From many perspectives, technology is of a great help in implementing this type of administration. It can fulfill the dreams of a perfect world in such a way that the negative aspects become, for the first time, visible in an effective mode.

An important problem is if all the social tendencies can be combined in the same way by the information technology or if this technology acts in a selective way. A way to define this problem is to ask ourselves if all these social forces can successfully use the information technology in order to promote its own interests or if some of these interests obtain by this use more advantages than others.

Technology Spreads the Social Forces' Self Defense Means in order to Obtain Environment Protection.

It seems that there is a prompt answer to this problem. It derives from the fact that generally the technology achieves its configuration and finds its domains of applicability through the social forces action, purposes, conflicts and their ideologies. In society, there is a permanent fight for power and prestige. The information technology extends the self defense means of social forces involved in conflict. The bygone fights, the already made investments prepared the moment in which new information technologies appear in society. In the legal and institutional background of environment protection already built, the unequal distribution of economical possibilities and other power forces inevitably lead to new technologies, of which they get hold first the ones that can provide them. Their usage and, of course, their broad development would be therefore directed to the purpose of being mainly used for the interests and purposes of the powerfull and rich one.

This point of view, regarding the problem of social implications of technology gets more and more popular. It suits to the impression that many people from the industrialized countries obtain, observing the changes that have place around them. For them, the private and public bureaucracies seem to be more long distanced-less accessible than before-when administrative

environment processes are being handled by the computer. Moreover, this point of view has an important secondary effect that makes the automatic processing of dates be neutral and immaculate. The engineer can continue to put forward hid favorite toy as an instrument for a society whose actual run ignores. At the same time, he can react against presenting the computers as scapegoat for the nefarious consequences of the lasting development policies and the fundamental human right for a healthy environment.

Finally, this point of view has an extra advantage, leading the issue to be dealt in the prevailing reference frames of the social sciences. Generally, society is conceived as an arena where fights take place in view of a permanent reallocation of both material and power resources. None the less, this argument has a big inconvenience. The permanent redistribution of resources can very good sidetrack attention from the society evolution, society that is gradually recast through this redistribution, namely the accretion of power in the organized structures of society. Conceiving this power movements in the reference frame that grants the continuing recurrence of political fights, the possibility that all this could end one day or lose their significance can be dissimulated.

A more systematic society can, of course, be the long term consequence of changes that are barely taking shape. The big issue that hides behind this situation is whether this renewal will be limited to what is necessary or will attempt to human creativity, to his critic judgment and freedom, finally leading to a bureaucratic society entirely regulated.

Technology and Bureaucracy of Environment Administration

The analysis of intrinsical properties of technology explains better her societal ups and connotations than considering it only as an instrument accessible for social forces. The extent in which the formalized structures dominate society is affected by the technologies this society makes use of. It is likely that the most general feature of the „informatization" of society is the bigger and bigger importance of the formal elements in the social system frame. Technology is at the same time the immediate cause and vehicle of their introduction.

Bureaucratization and Computerization of Society:
Two Correlated Processes?

The computer triumph highlights a egregious parallel in the growing role of formal organizations, of bureaucracies in society. The bureaucratization of society is the point where the macrosociological analysis of the social implications of automatic processing of data should start.

Bureaucratization, as understood here, is more than the simple existence of some powerfull organizations with hierarchical structures and other features of bureaucracy. Computerization and bureaucratization of society are related processes. Both are ingrained in the apparent superiority of formalized structures in carrying out specific purposes.

Her influence will be global it is likely that the her impact will affect all kinds of society. Regarded from the point of view of present time, all this seem utopian. But me must consider and be enough imaginative to observe that a change in perspective often turned utopia into reality. The present reflections, however preliminary and summary are, highlight an aspect: in our action to bring into force such plans we will have to carry out a great conceptual and organizational work, at a global scale. If we take into account the fact that what we foresee today will become a necessity in about thirty years, we must conclude that it is urgent to attempt the necessary primings. In reality, we are already overdone by our epoch requirements and this delay can be expensive and dangerous for society.

The computer can be used as an instrument, in art, for example, to compose music, painting, in law, to systematize the normative cadre exposed to the legislative inflation and impermeable for a lawyer that does not own the banal laptop with internet connection. It is like a painter's brush, meaning that the computer is not the one which creates, it neither paints, nor writes solfeggio or makes laws. And here lies the difference between what can be done with any instrument and creativity and human possibilities. And, as in every science, the further you go in that domain, the more you realise what you do not know and that there are things that immediately lead you to at least one question: whether there is anything besides science. That is the moment when you figure out your limits as a human being.

Artificial intelligence is something that mechanically implements some rules. But man has empathy, he has the possibility to put himself in somebody's skin, the possibility to live, he has something extra. And this is where I am going to give you an example. In the vision of a Russian philosopher, Mihail Bahtin, language is very much connected to dialog. He was greatly influenced by the ideas of Orthodoxy. Therefore, things are far from being fully explained by science, but we must see al this as instruments. Artificial intelligence too must, in fact, be seen as an instrument, not as something able to create robots that will substitute people.

Conclusions, Solutions and Proposals regarding the Economic Crises, the Environment Degradation and the Spiritual State of Human Being

From the beginning some questions came to my mind: whether there is or there is not a connection between the people's economic behaviour and their religious beliefs, and whether in connection with their religious beliefs their high or low leveled performance can be influenced in a positive or

negative way? Can a non religious economy investor behave differently than a religious investor? Regarding the religious economy investor behaviour, does his appartenence to the Christian or Islamical religion matter or not?

Considering my juridical specialization, I will also try to find a possible answer to such issues. Do you notice that in this case what matters is the kind of religion we are talking about and more than that, for Christian religion, what counts, in terms of differenced behaviour, is the fact that somebody can be either a Christian or a Catholic, a Protestant or something else. Generally, what I am trying to contend here is that all these are important. This means it makes sense to me to think at the next point: looking for me to be effective and gainful in economical terms, as entrepreneur and consumer, can keep the work of virtues. That is to say piety, restraining, communion or I am decried to competition and mutual exclusion from the market. One is to involve moral values by virtue of ethics reasons and something else by virtue of teleological and religious reasons.

In connection with that, an interesting application is the actual issue of the economic and financial crisis. For establishing the nature, causes and remedies, there is a Christian-orthodox perspective that involves the religious condition of the human currently and naturally involved in the economical processes, either as an entrepreneur, or capitalist, as an investor or consumer.

Seeing it only from the perspective economic theory, meaning the one that is not in the dialog, the majority of economists are inclined to believe that this crisis is inevitable. But the economic crisis, if you look at it from the teleological perspective as well, is an avoidable phenomenon because a great number of its causes, which concern the nature of the crisis, have a connection with the low spiritual state of the contemporary human for example. So, economic crisis has economic solutions. Economic solutions cannot be used because the reason for not using them regards the human low condition, and that is a matter of theology. Here is where I have to rod up with the instruments of the spiritual ascent and this way we see how we connect an entity with an economical process and an entity with a spiritual process until they become one.

Also, the amplitude and gravity of social queries, which have planetary scale, as the environmental degradation, the population transfer, the new dimensions of insecurity -consequences of the increased number of civil wars- can not be "endorsed" by the governments and the non-governmental organizations, states being forced either to modify their actual regulation instruments in this matter or to establish new international devices. This is the reason why the debates regarding the reformation of the international institutions need to be seriously taken into account. The non-governmental

organizations that activate in the human rights and environment domains need to especially do their best to quicken this reform, answering the questions regarding sovereignty and legitimacy, and those are: who has the right to order, how, submitting to which control and in what kind of political structures. And from the perspective of military conflicts that we are witnessing, in the aim of expediting the pressing situation of meeting or even fusion of the global environmental challenges with the inadequacy of available resources for the environment protection., the NGO must bring up the application of military-related resources facilities in the environment protection regarding: the making of an international work point for monitoring the environment, at NGO's disposal, which will contain, besides the specialised staff, the endowment with the afferent facilities from the military district, with the aim of to indurate other multilateral international abilities called to answer the environmental urgent cases; the stronger involvement of the military staff by the instrumentality of education and instruction, to be aware of the necessity of protecting the environment and to use its skills and abilities for monitoring the attack on environment; the support and development of military technology transfer to non -military districts inside and outside the countries.

For as much actual experiences in domain are limited and the cooperation is vital for a global effort to concern the military resources for environmental purposes a change of experience between states-through the instrumentality of states-in using military-related resources in national plans of action for protecting the environment, as well for the evaluation of national military-related resources, which could be at the NGO's or other international organizations disposal, for certain terms, for their usage in case of environmental disasters or emergencies.

For this purpose, creating a work group besides the NGO for monitoring the environment condition, with specialised and military technology gifted staff, in order to answer the environmental emergencies in the aim of inter, pluri- and trans-disciplinary of environment protection issue, to force the jurists to appeal more and more to the logistics and expertise of environment experts, philosophers or theologians, seems to be very important for us. In conclusion, we put forward some measures too: i) the more effective concern of military staff through education and instruction in being aware of the need to protect the environment ii) the absorption of environment concerns in the national military programs for research and development iii) the integration of preserving and developing the environment aims sustained in the national security concepts iv) the promotion of disarming efforts because military activities make an attempt on environment both in peace and armed conflict time.

Here they are, in brief, only by editorial reasons, a few thoughts regarding the eco-technology from a trans-disciplinary perspective. There is also, certainly, the risk of the imperfection of a first enterprise of this kind, concerning the exhaustive proportions, as well as the issue of the unity of interpretation – as long as in many theoretical issues, the opinions even among researchers continue to be divergent.

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PRELIMINARIES OF ROMANIA'S ENTERING THE WORLD WAR I

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In Romania there was a serious political divide between King Carol I, on the one hand, joined by a small Germanophile group, and the majority of Romanian politicians, on the other hand, supported by the public opinion, favoring the Entente.

It would be noticed that both camps took national interest as their starting point, but considered it from different perspectives.

In the aftermath of Sarajevo attack, on June 15/28, 1914, the victims of whom were the Austrian-Hungarian heir to the throne, Prince Franz Ferdinand and his wife, on July 15/28, 1914, Austria-Hungary declared war on Serbia. The World War I had begun.

On July 10/23, 1914, when the contents of the ultimatum that Austria-Hungary had sent to Serbia became known in Bucharest, the feelings of disapproval and indignation were generally and very stressed. The Austrian-Hungarian Minister in Bucharest, Count Ottokar Czernin, communicated to Vienna this particular mood and expressed his certainty that Romania's aims would not be attained peacefully, but by means of war and not alongside the double monarchy, but against it. By signing, on October 18/30, 1883, a secret Treaty of Alliance Romanian-Austro-Hungarian, which Germany joined, too, Romania had joined the Central Powers in order to be safe against possible aggression from Russia. One of the seven articles of the treaty established that Romania would intervene to support Austria-Hungary in case the Eastern border was attacked. But in the summer of 1914, the treaty becomes inoperable because the Austrian-Hungarian monarchy was the aggressor itself.

On July 15/28, 1914, after the war broke out, Count Ottokar Czernin specifically mentioned during a conversation with King Carol I that,

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according to the treaty, the war led by the double monarchy against Serbia involved Romania's immediate militarily collaboration. The Romanian monarch guaranteed only Romania's neutrality. Taking into account the German origins of the Romanian royal dynasty, King Carol I declared that if he were to follow his personal feelings, the Romanian Army would be by side of the Central Powers. However, he could not abide by the alliance treaty with the Central Powers, which was a defensive treaty, especially because Austria-Hungary had attacked Serbia and not vice-versa. On the same day, the Austrian-Hungarian Emperor Franz Josef sent a telegram to the Romanian King invoking the old friendship and trust relations established between the two monarchs. King Carol responded in brief, wishing him good luck.

On the other hand, on July 17/30, Sergey D. Sazonov, the Russian Minister of Foreign Affairs conveyed to Stanislav Poklevski-Koziell, the Russian Minister in Bucharest, instructions regarding the specifications he was to deliver to Prime Minister Ionel Brătianu, according to which the Russian Empire was ready to recognize Transylvania's unification with Romania in case of entering the war against Austria-Hungary.

The Romanian Prime Minister, Ionel Brătianu, to whom these proposals had been made, remained reserved on this issue, due to the fact that such proposals should have been ratified in international treaties, in which the legitimacy of Romania's rights on the Romanian-inhabited territories still under Austrian-Hungarian rule was recognized openly by all the Powers within the Entente.

On July 20/August 2, 1914, in the aftermath of a conversation between the Russian Minister in Bucharest, Stanislav Poklevski-Koziell and Romanian Prime Minister, Ionel Brătianu, it became certain that Petrograd would consider Romania's neutrality as an act of friendship towards the Entente[1].

Upon the breaking out of WWI, Romania's situation was very complex. Since 1883 Romania was member of the Triple Alliance – in which Germany, Austria-Hungary and Italy were also parts. The events from the beginning of the twentieth century shook Romania's relations with the Central Powers, which was demonstrated by the Balkan Wars (1912-1913). During the Balkan crisis, the Triple Alliance – Austria-Hungary in particular – neglected the interests of Romania by directly supporting Bulgaria. Consequently, Romania's intervention within the Second Balkan War in the summer of 1913 was perceived as an action against the Central Powers[2].

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[1] About the evolution of the Romanian-Russian relationships during the World War I see Sergey D. Sazonov, Les années fatales. Souvenirs de S. Sazonov, Payot, Paris, 1927.

[2] About Romania's involvement within the Balkan Wars see Titu Maiorescu, *România, războaiele balcanice şi Cadrilaterul*, Romania, the Balkan Wars and Cadrilater, Machiavelli

In Romania there was a serious political divide between King Carol I, on the one hand, joined by a small Germanophile group, and the majority of Romanian politicians, on the other hand, supported by the public opinion, favoring the Entente. Under such circumstances, the situation of King Carol I was in particularly a difficult one. As a member of the Hohenzollern imperial family, his personal allegiance was with Germany, especially since he was sincerely convinced that Germany would win the war. However, he was perfectly aware of the fact that the Romanians' sympathy laid with France. Moreover, the Romanian national goal was to free Transylvania, where Romanians were living under a harsh regime of denationalization.

Under those circumstances, on July 21/August 3, 1914, King Carol I gathered the Crown Council[3]. Addressing the audience in French, the King read his declaration in which he condemns neutrality and argues that the Romanian public opinion would not tolerate an alliance with the Entente and that his honor dictates him to join Germany. His speech was followed by a prolonged silence. Petre P. Carp demands an immediate declaration of war against Russia, alongside Germany, emphasizing that the Triple Alliance treaty that had been kept secret until that moment must be abided by. But no one supported Petre P. Carp. The Minister of Finance, Emil Costinescu, speaks against Russia, but Alexandru Marghiloman and Take Ionescu declared themselves in favor of neutrality. Prime Minister Ionel Brătianu favored mobilization, without further engagement and managed to get every one's consent in this direction, excepting Petre P. Carp's. Emanoil Porumbaru, Minister of Foreign Affairs, that had been unaware of the secret alliance treaty between King Carol I and the Central Powers, reached the conclusion that it was too late to consult the Parliament on this matter. Moreover, during the debate, the letter announcing Italy's declaration of neutrality arrives. Finally, King Carol I was convinced to back down and accept the decision of the Crown Council which was in favor of neutrality[4].

Consequently, the Romanian government notified Vienna and Berlin on the matter of Romania's newly adopted posture towards the Central Powers right after the Crown Council's session ended. From the contents of the document the motivation of Romania's refusal to participate in the war

Publishing House, Bucharest, 1995; Gheorghe Zbuchea, *România şi războaiele balcanice 1912-1913. Pagini de istorie sud-est europeană*, [Romania and the Balkan Wars 1912-1913. Pages of Southeast European History, Albatros Publishing House, Bucharest], 1999.

[3] Ion Gh. Duca, *Memorii*, vol. I, [Memories, vol. I, Expres Publishing House, Bucharest], 1992, pp. 52-68.

[4] Constantin Kiriţescu, *Istoria războiului pentru întregirea României 1916-1919*, ediţia a II-a, vol. I, [War History for Romania's Unification 1916-1919, second edition, vol. I], Schools House Press, Bucharest, 1922, p. 125.

was clear, particularly since the document specified that Romania had not even been consulted or worn against the imminent breakout of the war, and the current situation did not present any *casus foederis*. All these matters influenced Romania's decision to remain neutral made by the Crown Council, on July 21/August 3, 1914[5].

Romania's neutrality lasted for two years; in the meantime, the Romanian political stage was confronted with two big orientations. The first, which had large popular support, was in favor of entering the war alongside the Entente, in which case there was a clear possibility to set free Transylvania, Banat and Bukovina. The second, supported by a series of conservative politicians, proposed that Romania to join the Central Powers, because Russia was perceived as the greatest danger to Romania's existence[6]. The arguments behind this debate were vast on both sides. It would be noticed that both camps took national interest as their starting point, but considered it from different perspectives. The side that favored the Entente put the national objective of reunification first, whereas the other side was in favor of the insurance of national security above all[7]. The Romanian historian Constantin Kiriţescu spoke about „the tragedy of Romanian neutrality"[8].

The interlude offered by Romania's declaration of neutrality was patiently and cautiously used by the Government in order to consolidate the military and political basis of Romania's future alliance with the Entente. Taking into account this situation, Romania signed an agreement with Russia on September 18/October 1, 1914. In the aftermath of the negotiations, the Romanian Government engaged in with the Russian Government, upon the above-mentioned date, the Russian Minister of Foreign Affairs, Sergey D. Sazonov conveyed the Romanian Minister to Petrograd, Constantin Diamandy, an official note in which the Russian Empire was committing itself to oppose any infliction upon Romania's territorial *status quo*.

This document represented a declaration of principles of the Russian Government, and it also acknowledged the legitimate right of Romania on Transylvania and the other territories inhabited by a Romanian majority that were a part of the Austrian-Hungarian Empire. Russia promised to get London and Paris to ratify the commitments it had engaged in towards

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[5] Ion Mamina, *Consilii de Coroană*, [Crown Councils, Enciclopedica Publishing House, Bucharest], 1997, pp. 27-52.

[6] For a presentation of pro-German side see Lucian Boia, *Germanofilii. Elita intelectuală românească în anii Primului Război Mondial*, [The Germanophiles. Romanian intellectual elite during the WWI], Humanitas Publishing House, Bucharest, 2010.

[7] Florin Constantiniu, *O istorie sinceră a poporului român*, [A True History of Romanian Nation], Univers Enciclopedic Publishing House, Bucharest, 1997, p. 273.

[8] Constantin Kiriţescu, *op.cit*, p. 130.

Romania. The text of the document clearly specified the fact that the agreement would be kept secret up to the moment in which Romania would free those territories under the Austrian-Hungarian rule[9].

On the same day, having been given an authorization by the Prime Minister, Ionel Brătianu, Minister Constantin Diamandy conveyed the reply note in which he mentioned that Romania committed to „keep friendly neutrality towards Russia, up to the point when it will occupy the territories of the Austro-Hungarian monarchy inhabited by Romanians"[10].

The agreement signed between Romania and Russia proved to the Entente Powers that when possible, Romania would become their ally. However, the Romanian Government wished that the most appropriate political, military and strategic moment to be chosen by it. This decision was to be taken by the Romanian authorities depending on the signature of a series of treaties recognizing Romania's legitimate rights on Transylvania, Banat and Bukovina still under Austrian-Hungarian rule, as well as on the concrete military support that the Entente was to provide Romania in order to equip its Army with modern weapons and military technique.

The period between July 21/August 3, 1914 and August 14/27, 1916, represented the period of military neutrality or the period of „expectation concerning the borders defense" in which an intense political, diplomatic and preparation activity of Romania's military potential was undertaken in order to achieve the national goal[11].

On August 4/17, 1916, Romania and the Entente signed the Political Treaty and Military Convention, two documents that established the coordinates of Romania's participation in the war. Thus, Romania was guaranteed territorial integrity and it was specified that the Romanian states would enter the war against Austria-Hungary no later than August 15/28, 1916. The four allied Powers (France, Great Britain, Russia and Italy) recognized Romania's right to reunite with the Romanian-inhabited territories ruled by Austria-Hungary, thus mapping out Romania's future borders. Also, it was clearly stipulated the obligation of the contracting parties not to sign separate peace with the enemy, and that Romania would be treated equally in the future Peace Conference.

The Military Convention established the technical conditions of the Romanian participation within the war. The allies declared themselves in

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[9] Eliza Campus, *Din politica externă a României 1913-1947*, [From the Foreign Policy of Romania 1913-1947], Political Publishing House, Bucharest, 1980, pp. 53-54.

[10] Gheorghe A. Dabija, *Armata Română în Răsboiul mondial (1916-1918)*, vol. I, [Romanian Army during the World War (1916-1918), vol. I], I.G. Hertz Press, Bucharest, 1928, p. 20.

[11] Dumitru Preda, *România şi Antanta*, [Romania and the Entente], European Institute, Jassy, 1998, p. 13.

agreement with the specifications of the Romanian operational plan; the Russian High Command was going to support the Romanian Army's entry the war in an offensive action in Bukovina and by sending an Army Corp, made up of two Infantry Divisions and a Cavalry one, on the front in Dobrudja. Also, the Russian Empire committed itself to act in support of the Romanian Army with its Navy. Moreover, its stood clearly stipulated that in the Balkans the French-British troops were to engage in a massive offensive by the Army in Salonika against Bulgaria before the Romanian Army entered the war[12].

So, on August 14/27, 1916, at 10 o'clock, King Ferdinand headed the session of the Crown Council held at the Cotroceni Palace. This time, three main outlooks confronted each other: Romania's entry into war alongside the Entente, the keeping of neutrality and Romania's entry into war alongside the Central Powers.

This last option did not manage to feature more than the truly fierce support of the old conservative politician Petre P. Carp. Alexandru Marghiloman and Titu Maiorescu upheld the alternative of maintaining the neutrality. Ionel Brătianu's speech, in which he compellingly pledged in favor of leaving neutrality and entering the war alongside the Entente, followed the politicians' speeches[13]. As soon as the Crown Council's session ended, Romanian Minister in Vienna conveyed Romania's statement of war on Austria-Hungary[14]. Romania declared war on Austria-Hungary, then Germany declared war on Romania, on August 15/28, followed by the Ottoman Empire, on August 17/30, and Bulgaria on August 19/September 1, 1916.

The historical perspective has proved that the development of coalition warfare requires the establishment of norms and rules concerning the functioning of the alliance, the cooperation of forces engaged in battle and the command act, which materialize in the conventions signed between the allies. In the case of coalition warfare, the harmonization of the participants' interests represents a particularly difficult problem, but the preservation of sovereignty represents a fundamental necessity – especially for those small and medium states – and on it depends the very functioning and vitality of the alliance.

Taking these considerations as our starting point, the political and military relations set up between Romania and the Entente during the war represents a matter of major interest.

On the opinion of the Romanian authorities, the military actions against Austria-Hungary were to be subordinated to the political goals of

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[12] Toma Dumitrescu, *Jurnal. Războiul național (1916)*, [Diary. National War (1916)], Academy of High Military Studies Publishing House, Bucharest, 1999, pp. 14-15.

[13] Ion Gh. Duca, *Amintiri politice*, vol. I, Jon Dumitru Verlag, München, [Political Memories, vol. I, Jon Dumitru Publishing House, Munich], 1981, pp. 271-283.

[14] Ion Mamina, *op.cit*, pp. 63-87.

freedom and unification of the Romanian territories. This option responded to Romania's fundamental interests. The Powers of the Entente (France, Great Britain, Russia and Italy) signed a political alliance treaty and a military convention in which they recognized Romania's rights on the Austrian-Hungarian ruled provinces; in turn of this recognition, the Romanian side committed itself to enter the war alongside the Entente. On a closer look at the text, one may easily notice that in the summer of 1916, between Romania and its allies there were many elements of contradiction, mistrust and ambiguity, especially concerning the protection that the Western Powers would provide Romania, paradoxically, against an unpredictable ally such as Russia, which Romania feared even more than its assumed enemy.

In fact, during a discussion held on October 12, 1916, by the Headquarter Commander of the Imperial Russian Army, General Mikhail V. Alexeev, with the Head of the French Military Mission, General Henri Mathias Berthelot, the previous considered as "exaggerated the length of Romanian borders to be defended and (…) the Romanian Army must not rely on the Russian troops support in order to defend those frontiers. There is only one possible defending line, the Siret line. Saying that, he marked on his map a thick blue line from Galați to Carpathians, up to the limit of Bukovina"[15].

By the strategic outlook regarding Romania's joining the war, the Romanian Army played the role of a counterbalancing element of mainly the failures of the Russian Army on the front in Galicia; this was possible because Romania's entering the war did not open the strategic direction Budapest-Vienna within the overall context of the Entente's general offensive. The fact that Romania's military performance was dependent upon the strategic developments on the Eastern Front, the calculations and decisions of the Russian High Command would become even deeper in the campaigns of 1916 and 1917 – tragically without either France or Great Britain be able to intervene decisively to prevent the transformation of the Romanian front in a simple extension of Russian-German-Austrian-Hungarian one and to limit the pressure of the Russian ally on Romania. In this respect, it was no surprise that, shortly after Russia's signing an armistice and than at Brest-Litovsk, on March 3, 1918, a separate peace, Romania had to accept the ceasefire, by the Armistice of Focşani, signed on December 9, 1917, and then the imposed Peace Treaty of Bucharest, signed on May 7, 1918.

Several evidences of those moments are relevant in this respect. Count de Saint-Aulaire, the French Minister in Romania declared that all clauses of

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[15] Nicolae Ciobanu, Eugen Bădălan, *Cronologia Primului Război Mondial 1914-1919*, [Chronology of the WWI 1914-1919], Academy of High Military Studies Publishing House, Bucharest, 2001, p. 63.

the alliance treaty between Romania and the Entente, „excepting those that imposed obligations on Romania, will be violated". The French politician André Tardieu admitted that „we have engaged Romania in combat without having studied or evaluated the resources of the enemy"[16].

Referring to the Russian support for Romania, General Alexei Brussilov noted: „We should have sent here not an Army Corp made up of two second-hand Divisions, but an entire Army made up of good troops, and in that case, Romania's entry the war would have taken a stressed different path"[17].

Addressing to the counterparts of the Entente, the Commander of Dobrudja Army, Russian General Andrei M. Zaioncikovski, expressed openly his opinion about the Russian troop's commitment in Romania: „I am convinced that no one could presume that we would fight for Romanians"[18].

Referring to Romania's entering the war, the German General Erich von Falkenhayn specified: "Probably Russia forced it, when Russia observed that the offensive in Galicia was stalled in order to lighten its situation. Certainly the French Commander-in-Chief, General Joffre, insisted a lot upon it to remove the world attention from the Somme offensive, which failed"[19]. Assessing the Russian attitude towards Romania, the German General Erich Ludendorff noticed in his memories that the Russians "let the Romanians to be defeated, letting them alone during all the battles" in which they "easily" could join and "only this simple fact brought us the victory"[20].

The analysis of the political, diplomatic and military documents of August 1916, signed by Romania and its Entente allies, reveal the fact that these were clear only with regard to Romania's participation as equal member within the Peace Conference and the acknowledgement of Transylvania's right to unite with the mother country; but these were conditioned by considerable military commitments and the promise to reject any separate peace with the enemy. However, the principles and means of military cooperation, those regarding the operational command of military operations and the technical aspects associated with the normal functioning of an alliance had not been clearly established yet. Thus, the premises of ambiguity were created, a field of any legal interpretation in which diplomatic acts would steadily recede within the direct relation with military operations. The latter were strictly related with the military and material support of the allies.

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[16] Paul Allard, Les dessous de la guerre révélés par les comites secrets, collection „Le livre d'aujourd'hui", Les Editions de France, Paris, 1932, p. 32.

[17] Alexei Broussilov, Mémoires du général Broussilov. *Guerre 1914-1918*, Hachette, Paris, 1929, p. 223.

[18] *Ibidem*, p. 224.

[19] Apud Nicolae Ciobanu, Eugen Bădălan, *op.cit*, p. 78.

[20] Erich Ludendorff, *Souvenirs de guerre (1914-1914)*, premier tome, Plon, Paris, 1921, p. 347.

Upon the launch of military operations, the Romanian High Command exercised exclusively the operational command of the front stretching between the Carpathian Mountains and Danube River. From 1916 on, the representatives of the allies' armies would arrive in Romania within the framework of the military missions, with liaison, coordination and training responsibilities. The French Military Mission in general and its Commander, General Henri Mathias Berthelot, in particular, played an important role in the provision of allied support, often directly representing a balancing factor in the relation between the Russian and Romanian High Commands, and a counterbalancing one with regard to the influence of the former – particularly because the historical perspective and experience had proven that the Russians would try to subordinate the Romanian troops and command[21].

The general mobilization brought to arms 19,843 officers and 813,758 soldiers filled with enthusiasm and high morale, but at the same time plagued by huge deficiencies in terms of endowment and supply. Romania was facing the inability to meet the needs of its Army. In order to support the military campaign, Romanian had to procure military equipment from the states of the Entente, but at the same time, Romania also had to find a safe way to transport the bought equipments. The only route used was the one between Salonika and Drobeta Turnu Severin, but this supply route was interrupted by the Bulgarian attack on Serbia, in October 1915. Then, up to November 1917, the supplies were to come by a very long route, passing through the Russian ports of Archangelsk, at the White Sea and Vladivostok, at the Pacific Ocean.

The Romanian Army was entering the war inadequately equipped and uncertain about the sources of its logistic support. The most serious problems concerned the endowment with heavy artillery, automatic weapons and their ammunition. At the same time, the Army's rapid mobilization and concentration determined many soldiers to remain at a basic training level; the lack of experience and well-trained officers was fully noticeable. The initial objectives entrusted to the Romanian Army were ambitious and went beyond its operational abilities. At the beginning, the Romanian High Command set up the objective of advancing in Transylvania and overcome the "Someş Gate" in order to push farther over the Hungarian plains on the strategic direction Budapest-Vienna. For this operation, the Romanian Army made available more than 400,000 troops. Other 140,000 troops were deployed in Southern Romanian, having the mission to prevent a Bulgarian-German

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[21] About the evolution of the Romanian-French relationships see Comte de Saint-Aulaire, Charles de Beaupoil, *Paroles Franco-Roumaines*, Imprimerie Socec&Co, Bucharest, 1930.

offensive[22]. They would provided the cover of the Russian troop's arrival in Dobrudja and establish a defensive front line between Rusciuk and Varna[23].

On December 12, 1916, referring to the Romanian soldiers, the newspaper *Il Giornale d'Italia* noticed: "The Romanian soldiers fought and I don't exaggerate when I use the word: like the lions. If the future chroniclers would have objections, not to them must be made. The peasants of those lands, who sang for many centuries the sad and melancholy Romanian folk song among the gorges with brawling waters and the winding fir-trees of the Carpathian Mountains and the large plains of Moldavia and Wallachia, proved that they knew to die when the homeland asked them"[24].

The conclusions resulted from the campaigns delivered by the Romanian Army during the WWI were the starting point for the complex and difficult process of reorganization and optimization of reunified Romania's national defense system. In the modernization process of the military system, the authorities started from the experience provided by the recently ended war and the exigencies required by the national defense[25].

Within its interwar frontiers, comprising all the Romanian-inhabited provinces, reunified Romania had an area of 295,049 km2, in comparison with 137,000 km2 before 1918, and a population over 18 million inhabitants, in comparison with approximate 7,250,000 inhabitants in 1913. As stipulated the Constitution of March, 1923, Romania was a national, united and indivisible state, having the inalienable territory. According to data provided

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[22] Among the Romanian memories works referring to the WWI see: Ioan Culcer, *Recenzie asupra istoriei războiului pentru întregirea României*, [Review over the History of the War for Romania's Unification], „Independence" Press, Bucharest, 1929; Romulus Scărişoreanu, *Fragmente din războiul 1916-1918. Istorisiri documentate*, [Fragments of the War 1916-1918. Documented Histories, second edition], Cavalry Press, Bucharest, 1934; Constantin Găvănescul, *Războiul nostru pentru întregirea neamului (1916-1918)*, [Our War for the Nation's Unification (1916-1918)], Coresi Publishing House, Bucharest, 1993; Radu R. Rosetti, *Mărturisiri (1914-1919)*, ediţie îngrijită, studiu introductiv, note de Maria Georgescu, [Confessions (1914-1919), forward, notes by Maria Georgescu, Modelism Publishing House, Bucharest], 1997.

[23] Laurenţiu-Cristian Dumitru, *Manevra de la Flămânda* (septembrie-octombrie 1916). *Noi consideraţii*, în Revista de Istorie Militară, [Manoeuvre of Flămânda (September-October 1916). New Considerations, in Review of Military History], nr. 1-2(93-94)/2006, pp. 16-22.

[24] Apud Nicolae Ciobanu, Eugen Bădălan, *op.cit*, p. 74.

[25] Laurenţiu-Cristian Dumitru, *Selecţia personalului şi exigenţele reformei militare (1919-1939)*, în Petre Otu (coord.), *Reforma militară şi societatea în România de la Carol I la a doua conflagraţie mondială*, Occasional Papers, anul 6, nr. 8, Institutul pentru Studii Politice de Apărare şi Istorie Militară, [Selection of Personnel and the Exigencies of Military Reforme (1919-1939), in Petre Otu (coord.), *Military Reforme and Society in Romania from Carol I to the WWII*, Occasional Papers, year 6, nr. 8, Institute for Political Studies of Defense and Military History, Military Publishing House, Bucharest], 2007, pp. 209-235.

by the census in 1930, Romania showed an ethnic structure in which the Romanians represented 71,9%, Hungarians 7,9%, Germans 4,1%, Jews 4% etc.[26]

Overcoming the national catastrophe in 1916, having restored hope in the hot summer of 1917, and assuming the achievement of the national goals in 1918, the Romanian nation was faithfully looking at the future. The Romanian politicians would prove their competence in terms of diplomatic skills within the „battles" developed in Paris for the attainment of national goals, which was eventually recognized by the system of the Versailles Peace Treaties established in 1919-1920.

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[26] For a description of interwar Romania see Charles Upson Clarck, *România unită*, traducere Doina Rovenţa, cuvânt înainte Gheorghe Sărac, după titlul original *United Roumania*, New York, 1932, *United Romania*, translated by Doina Rovenţa, forward Gheorghe Sărac, Malasi Publishing House, Bucharest, 1998.