

# MIGRATION DYNAMICS AND NEW TRENDS IN EUROPEAN (IN)SECURITY

## LEGISLATION, PEOPLE AND IDENTITY



CLAUDIA ANAMARIA IOV  
RAREȘ ALEXANDRU VĂSCAN  
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PRESA UNIVERSITARĂ CLUJEANĂ

**Migration Dynamics and New Trends  
in European (In)Security**

*Legislation, People and Identity*

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**Editors:**

**CLAUDIA ANAMARIA IOV | RAREȘ ALEXANDRU VĂSCAN**



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## PREFACE

In the current context, characterized as a challenging period in terms of European Union's unity, direction and future, international migration and European security nexus is becoming increasingly relevant from a geopolitical perspective. In a period marked by heightened volatility and systemic rivalries among neighboring states, the European Union has begun to face an escalation of migration-related challenges and, consequently, insecurity, against the backdrop of the tense and precarious situations in Northern Africa and Gaza. Armed conflicts, state fragility and international tensions have led to an alarming increase in the number of refugees, forced to move in search of safety and security, reaching a record number in 2023. According to the International Centre for Migration Policy Development 2024 Report (*Migration Outlook 2024: Ten migration issues to look out for in 2024*), there was a 21% increase in asylum applications in 2023, the majority of which originated from conflict zones. This phenomenon not only places pressure on the asylum systems of EU member states but also generates significant challenges regarding national, economic and societal security.

The European debate on migration - refugees - borders security is becoming increasingly blurred in the context of the approaching 2024 European Parliament elections. Simultaneously, the need for skilled employees on the EU's labor market brings to the forefront the necessity of new legislative aspects concerning legal migration and migrants social integration, as well as beneficiaries of temporary protection from Ukraine.

Migration, seen as a challenge and an opportunity, shapes the political discourse on EU's identity-security nexus, enlargement vs. integration, both of them marked by uncertainty and lack of predictability. Against the backdrop of numerous implications, analyzing the current situation of international migration and European security becomes essential in understanding the current dynamics and future directions of European policy,

identity and economy. Member states bear the responsibility of managing the risks associated with the process of integrating the newcomers, while simultaneously respecting the fundamental rights of migrants and refugees and ensuring the safety of their own citizens.

On the other hand, 2023 marks a crucial moment for the future of the European political calendar, a period in which the topics of migration and security begin to dominate discussions and electoral campaigning, fracturing the European stage. Leaders with nationalist orientations are starting to intensify their rhetoric against European solidarity towards refugees and European migration management tools, capitalizing on longstanding legal anxieties concerning national security and European identity.

In this complicated international context, the volume *Migration Dynamics and New Trends in European (In)Security – Legislation, People and Identity*, highlights, through a transdisciplinary approach, the interconnected relation between migration, in/security, identity, policy. The book offers a dynamic perspective on migration, refugees, EU's security policy, citizenship legislation in EU, ethnic minorities, gender and societal security.

The book has eight chapters. The first chapter is focusing on a particularly important topic, the effectiveness of the security sector and services in managing the migration process in North Macedonia. The aim of the second chapter is to explain how the Treaty of Lisbon has shaped the security practices of the European Union, especially by pointing to the establishment of a functional security governance framework. The objective of the third chapter is to demonstrate an important aspect of citizenship - the direct link between the Union, the states/nations and its citizens. In chapter four the reader has the chance to find about the situation of women and girls in Afghanistan nowadays and the punishments they can receive if they do not obey the Sharia. The chapter entitled "Rethinking refugee categories - comparative analysis of gender as the sixth refugee category" focuses on the situation of women in Afghanistan before and after 2021. On the same register, in chapter six we have a comparative analysis of Syrian and Ukrainian refugees through the eyes of Romanians. Chapter seven examines the interplay between migration movements and airport security, within a security nexus. The last chapter of the volume draws our attention

to the practice of manipulation and weaponization of ethnic minorities in the early 20th century.

*Migration Dynamics and New Trends in European (In)Security – Legislation, People and Identity* is a volume dedicated to students, professors, researchers, stakeholders, politicians, specialists on international relations and security studies.

We would like to thank all those involved in the creation of this volume for their expertise and high scientific works.

Finally, we invite you to go through the pages of this volume, guaranteeing you an interesting and challenging reading of current topics from the fascinating world of international relations and security studies.

*Cluj-Napoca, October, 2024*

Lecturer Claudia Anamaria IOV, PhD  
Rareş Alexandru VĂSCAN, PhD



# POLITICAL AND INSTITUTIONAL SUPPORT OF THE MIGRATION PROCESS: EFFECTIVENESS OF THE SECURITY SECTOR AND SERVICES

Katerina VELJANOVSKA BLAZHEVSKA<sup>1</sup>

Claudia Anamaria IOV<sup>2</sup>

**ABSTRACT:** Analyzing migration processes and flows at the national level requires respect for supra-national authority. The institutional framework for dealing with security risks and threats and the existing administrative capacities are in direct correlation with the need to collect essential data for preparing relevant reports, planning and creation of appropriate public policies and strategic documents. The state needs to be secure from within, to be able to cope with the challenges of migration. In that direction, the security sector includes various structures and processes, whose main task is to act efficiently and effectively, while respecting domestic and international legislation with a democratic sense of action.

There is a need for a real insight into the capacity of security services and security agencies, to bring together teams, by the existing legislative-legal framework. In addition, timely exchange of information, mutual coordination on key issues, and timely response are of particular importance. In the process, the institutional capacity is important to analyze in terms of its effectiveness for the prevention and suppression of the manifested security challenges that are transferred directly through migration flows. The analysis of the security sector (services) and its effectiveness needs to be correlated with civil participation to create appropriate mechanisms for encouraging political and institutional support in the migration process.

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In this context, our research will indicate consideration of the problem according to the security prerequisites of migration flows, such as the efficiency of the security sector in this domain, using the case of North Macedonia.

*Keywords: Migration, Security, Sector, Effectiveness, Institutions*

## Introduction

The security institutions, the security sector, and services are subject to change in the same way as all other geo-political changes. In fact, in this way, a key point of the strength and power of the states is recognized. Although in developed countries there are signs that policy coordination has increased, there is still a risk that policy will be influenced by special interest groups, whose interests may not always coincide with the strategic development of the security sector in conflict-prone societies. Repressive or corrupt security structures have the potential to undermine stability, which is key to maximizing the benefits of aid programs. Consequently, a large number of agencies are involved in the possibilities of reforms in the security sector and are in the direction of easier handling of the revealed security phenomena.<sup>3</sup>

There is a high level of need for organizations and overall institutional capacity in the area of security to act in an integrated manner, to ensure a higher level of efficiency and effectiveness in dealing with security risks and threats.

It is of particular importance that all the security institutions in a country apply the implementation of positive world practices, especially through training and coaching of their employees, with the aim of more effectively dealing with security situations, especially during migration processes. At the same time, in addition to guaranteeing the prosperity of security institutions at the local, regional, and international levels, the internal relations, tendencies, and communication incentives that indicate common organizational integration, are especially important.<sup>4</sup>

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<sup>3</sup> Dasse, Christopher, Kessler, Oliver; "Knowns and Unknowns in the War on Terror: Uncertainty and the Political Construction of Danger", Vol. 38, No. 3, Security Dialogue, 2014.

<sup>4</sup> Human Security Project; *Human Security Report 2013: The Decline in Global Violence: Evidence, Explanation and Contestation*. Vancouver: Human Security Press, 2013.

In the context of the above, the challenge of migration and migration processes encourages the reform of the “transformation” of the security sector and security institutions - to solve the issues of socio-political dynamics, as well as taking into account the state of possible security conflicts.

This paper deals with a particularly important topic in the field of insight into the capacities of the security sector and services, as well as the possibilities for better effectiveness. At the same time, the focus is on the analysis of the political and institutional support of the migration process. For this purpose, in addition to the theoretical framework, an empirical qualitative research was implemented, which refers to the Macedonian society. Through the application of an interview instrument, to a target group of respondents who essentially deal with the issue of the effectiveness of the security sector and services, with special reference to the political and institutional support of the migration process, detailed data was obtained to support and confirm the general hypothesis, “If the security sector and services function at a high level, effectively recognizing social occasions and security needs, in that case, greater political and institutional support for the migration process is expected”.

## **Theoretical concept**

### *Efficiency of the security institutions*

Choosing the right strategy and the direction in which it moves is the essential link in building a secure and safe social order. Security institutions need to perceive the value of this significant resource and take active steps to ensure and create better conditions within the state itself, which is constantly vulnerable to security risks and threats from different domains.

In the context of the above, contemporary security challenges can be presented in different domains: manipulation of resources, proliferation of weapons, emphasis on coercion in international interventions, and the different contexts of societies affected by conflict situations. In that domain, the main role is played by transformative strategies, especially during geopolitical spillovers in social frameworks. In addition, the role of applying a

holistic approach to security is highlighted, based on recognizing the interconnections between the security sector and other areas of the domestic, regional, and global scene. Moreover, to control a possible migration wave, the objectives of the applied activities should not be limited only to the security sector, but should also incorporate the broader global structures and agents that condition them. It implies a holistic approach to security that recognizes the interconnections between the security sector and other areas from national, regional, and global perspectives.<sup>5</sup>

Encouraging a transformative approach in the security sector and structures is not an isolated process from civil society, which always needs to be in focus. In addition, it points to a need for (1) “structural control of security risks and threats” initiatives designed to bring about changes in regional or global structures; (2) initiatives aimed at generating socio-political protective security measures; (3) capacity building and alternative approach; (4) targeting changes in the security sector and structures within a broader transformative framework; (5) engaging a wider set of actors and participants to strengthen security capacities and minimize risks through building a social system of reciprocity.<sup>6</sup>

### *Maintaining peace and avoiding institutional and political conflict during migration flows*

Countries dealing with economic, political, and structural internal conflicts are always at risk of a security conflict. There are different concepts, about where the question comes from: whether a certain conflict can be prevented and who should, conditionally speaking, intervene in that conflict, to prevent it. The migration flow in such a situation only adds to the possible security implications.<sup>7</sup>

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<sup>5</sup> DCAF; Security sector governance. *Applying the principles of good governance to the security sector. SSR Backgrounder*. DCAF, Security Dialogue; 2015.

<sup>6</sup> Donais, Timothy; “Security sector reform and the challenge of vertical integration”, 12(1), *Journal of Intervention and Statebuilding*, 2014, pp. 31–47.

<sup>7</sup> Anderson, Bridget, Blinder, Scott; “Who counts as a migrant? Definitions and their consequences: migration observatory briefing”. Oxford: The Migration Observatory, 2017.

Security institutions have the biggest role in the timely detection and transformation of security situations. The existence of international cooperation on a global level between countries in different regions is of great importance for the successful resolution of conflicts, but also for striving for their avoidance and minimization as an occurrence. The international community makes great efforts for the successful application of the conflict resolution mechanism through diplomacy, negotiation, communication, and the use of peaceful means that will lead to building or maintaining peace.<sup>8</sup>

Kaldor's analysis, on the other hand, offers a basis for a cosmopolitan political response to wars, in which the monopoly of legitimate organized violence is reconstructed on a transnational basis, and mutual peacekeeping is reconceptualized as cosmopolitan law enforcement. This approach also has implications for the reconstruction of civil society, political institutions, and economic and social relations.<sup>9</sup>

Author and ex-military Emil Simson argues that in the Afghan conflict and contemporary conflicts more broadly, liberal forces and their armed forces have altered the boundary between military and political activity. Specifically, they contested the distinction between war and peace. He argues that this loss of clarity is more a response to the conditions of struggle in the early 21st century, especially globalization than it is a deliberate choice. At the same time, the migration question is that this inevitable process must not be analyzed as an isolated phenomenon but as part of globalization benefits.<sup>10</sup>

Numerous researches show that nowadays there is no such thing as absolute security. Accordingly, it is concluded that national security is a relative category. Any threat to security in one area is very quickly reflected in a different form and with a different intensity. The United Nations is authorized and uses and applies a range of instruments to control and resolve

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<sup>8</sup> Podder, Sukanya, "From spoilers to state builders: Constructive approaches to engagement with non-state armed groups in fragile states" Working paper, Organization for Economic Co-operation and Development, 2012.

<sup>9</sup> Kaldor, Mary; *New & Old Wars, Organised violence in a global era*, Cambridge: Polity Press, 2013.

<sup>10</sup> Simpson, Emile; *War From the Ground Up: Twenty-First Century Combat as Politics (Crises in World Politics)*, London: Hurst Publishers, 2013.

conflicts between states, based on which they are in charge of common national and security interests.

The security services of a country are in charge of encouraging timely detection, and preventive diplomacy and peacekeeping are among the key ones here. Accordingly, no institution or entity cannot bear the responsibility of global peacemaking. Also, there is no single strategy that would apply to peacemaking in the face of all security risks and threats.

However, the responsibility falls on the Constitution, the criminal law, and the law of internal affairs, which are prescribed systems of measures and activities of the state authorities, which should watch over the security of the state and prevent all activities that lead to security disturbances. On this plan, the international community is perfecting the methods and means of prevention, i.e. eliminating the conditions that produce them through the United Nations bodies, which establish institutions that monitor the situations and propose measures for their elimination, as is the case with nuclear weapons, international terrorism, trade in nuclear waste and more, and in that sense, they equip these institutions with the most up-to-date sophisticated means.<sup>11</sup>

*The impact of the security institutional capacity in the Republic of North Macedonia on increasing the level of security and timely detection of security risks and threats from the emergence of a migration wave*

The discussion and analysis of the migration crisis are correlated with the need to give a clear meaning about what exactly this situation represents, the way of manifestation such as collision, fight, quarrel, fear, and lack of tolerance in the situations in which it exists, above all, insufficient mutual understanding and adequate communication with the competent institutional capacity.

In such a state of existence, with different attitudes towards something and someone and non-existence of tolerance towards others, the need to solve the existing problem arises, that is, to overcome the disagreement

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<sup>11</sup> Stockholm International Peace Research Institute. SIPRI Yearbook 2012. *Armaments, Disarmament and International Security*. Oxford: Oxford University Press, 2012.

between the parties, in particular, by resolving the conflict. All this is understood to be even more difficult, as soon as socio-cultural differences come to the fore, as well as a misunderstanding of the way the local law and competent institutions function. In addition, every society becomes more vulnerable when there is political fragmentation and economic instability within its borders.

From the point of view of migration and the rights of migrants, it is important to note that conventions are crucial in ensuring a binding agreement between states themselves. The Convention is a possible driver and is a stronger tool than the declaration because the Convention is legally binding for the governments that have signed it. With its adoption by the General Assembly of the United Nations, this document indicates that an international norm and standard has been created. Any state can ratify the Convention and adhere to the norms prescribed in it.

In North Macedonia, a series of subsequent historical events have their role in the transformation of the security process and efficient operation of the security institutions: (1) Framework agreement from 2001; (2) operation "Allied Harmony" which lasted until March 2003. The purpose of this mission is to protect the OSCE and EU observers and advise the Government in the process of taking over security control in the country; (3) The NATO missions are followed by the EU-led Concordia and Proxima missions. The first mission had more characteristics of an observation than a peacekeeping mission, but the second was a new kind of police mission. The EU Police Mission (EUPOL) Proxima is part of the EU's broader strategy for promoting reforms, contributing to stability and the rule of law in the region, and by the goals of the Stabilization and Association process. The mission should assist local authorities in North Macedonia who identify organized crime as a major challenge to public security in the country. At the same time, the need to assist in the process of development of the police forces, according to international and European standards, is initiated.<sup>12</sup>

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<sup>12</sup> For more details see "Termination of the EU-led military operation CONCORDIA (FYROM). Launch of the EU police mission PROXIMA (FYROM)", available online: <http://www.eupol-proxima.org>.

The current flow is characterized by dynamic changes that bring often unpredictable risks and dangers to the security of each territory, ie country. The main role for protection is played by the institutions that directly influence to have a safe state or to keep the state safe. The Ministry of Defense (MOD), Ministry of Internal Affairs (MIA), Ministry of Foreign Affairs (MFA), Intelligence Agency (IA), National Security Agency (ANSA), Operational Technical Agency (OTA) and Directorate for Security of Classified Information. All these institutions appear to be key in the area of security in North Macedonia and have a direct or indirect influence on increasing the level of security and the timely detection of security risks and threats in the Republic of North Macedonia.

Migration, as a global phenomenon, is closely related to peace (state of absence of peace) and security. According to the Norwegian scientist Johan Galtung, the founder of peace studies, scholars and practitioners dealing with the topic of peace in their works today generally distinguish between what is called in security science “negative peace” (just the absence of war) and what is called “positive peace” (peace in which there is no marginalization, discrimination, exploitation and similar actions of some individuals or social groups towards other individuals or social groups). It is in this context that the common point of view of the phenomenon of peace is indicated as migration and the legal rights and obligations of migrants.<sup>13</sup> Namely, according to Galtung, peace is something that is opposed to violence, but his understanding of violence (and thus peace) is not only about the visible use of (physical) force between people but to everything that hinders the human self in realization, i.e. the satisfaction of basic human needs (economic, psychological, educational, environmental, spiritual, etc.).

Galtung points to the relationship between positive peace and violence. Namely, positive peace certainly requires the absence of physical violence, but that is not a sufficient condition for positive peace, but the absence of so-called structural violence. Thus, his idea of structural violence is much broader than the conventional understanding of most security sci-

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<sup>13</sup> Galtung, Johan; *Conflict Transformation by Peaceful Means (The Transcend Method)*. United Nations Disaster Management Training Programme, 2000.

ence theorists who deal with issues of conflict and the use of direct physical force between states or within a state's borders.<sup>14</sup>

Global politics distinguishes four types of violence. First, there is the “classic”, i.e. conventionally, physical violence referring to the intentional infliction of pain, which in war is equivalent to killing, wounding, torturing, or inhumane treatment. Second, according to Galtung, it refers to “wretchedness” as deprivation of the human needs of shelter, clothing, food, and water. The third is “suffocation” which refers to the loss of human freedoms, i.e. freedom of choice, belief, and freedom of speech in one's name, etc. The fourth, last one, refers to “alienation” as a form of structural violence against identity and the human intangible need for community and relationships with others.

When a security conflict occurs, competitive behaviour is initiated, and the existence of incompatibility. To that extent, the stereotypes, hostility, and antagonisms are complemented, in the role of the emergence of the conflict and the initiation of a certain cause-and-effect relationship. It is precisely this state of analysis that is important in migration flows that affect security within social frameworks but also regionally.<sup>15</sup>

Security institutions are responsible for preventing inappropriate conflicts that originate from the public's attitude or inappropriate behaviour toward migrants. If there is an unbalanced relationship, inequality in attitudes, availability of resources, etc., the security threat itself must not be allowed to spill over into the daily functioning of society. In addition to the state of display of security risks and threats, all this has a particular role in the analysis of the need to prevent conflict, transform it, and build a state of peace.

## **Empirical research findings and methodology**

The research study aimed to create an insight into the acquired positive practices in the current level of efficiency and effectiveness in the func-

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<sup>14</sup> Ibid. 2000

<sup>15</sup> Bloch, Alice, Kumarappan, Leena, McKay, Sonia; “Employer sanctions: The impact of workplace raids and fines on undocumented migrants and ethnic enclave employers”. 35(1), *Critical Social Policy*, 2014, pp. 132–151.

tioning of security institutions, when it comes to possible threats and risks, caused by migration flows. Consequently, it is important to explore the extent to which positive practices and relationships are based in this context.

In the paper, a qualitative research strategy was applied, using an interview instrument. In addition, a method of content analysis is used to interpret the data, presented based on processing data obtained from a survey questionnaire (with combined open-ended questions) of a representative sample of a total of 10 respondents (experts, university professors, officials), to see their attitude regarding the indicated problem, that is, the understanding of the level of effectiveness of the security sector and services, with special reference to political and institutional support of the migration process. This sample is conditioned according to the assessment of the most suitable respondents for the needs of the research. That is, the sample that was covered by the interview was intended to obtain data from persons who, during the period - the subject of research, were involved in a detailed analysis of the problem.

The main hypothesis of the research: "If the security sector and services function at a high level, effectively recognizing social occasions and security needs, in that case, greater political and institutional support for the migration process is expected".

### *Research design*

The research was conducted in the form of individual interviews. The data were interpreted using a "content analysis" method. The fieldwork of data collection took place in the period between 01.12.2023 and 15.12.2023. The questionnaire with six prepared questions was identical for everyone, the documentation of the data was conducted freely, and the data were processed qualitatively. For this research, two questions, included in the interview questionnaire, were analyzed.

The focus of the research was aimed at sublimating attitudes and opinions to determine the volume of the main factors that affect the effectiveness of the security sector and services, in the direction of determining future perspectives.

The results of the research will be used to develop hypothetical and universal explanations to respond to the phenomenon of continuous progress in the functioning of security institutions, concerning a high level of security in migration flows. According to the basic postulations of content analysis, the following information is provided regarding qualitative research:

- The collected data are described in a narrative form;
- The population from which the data are drawn are residents of the Republic of North Macedonia, from different ethnicities;
- The relative context for analysis provides significant conclusions for improving the real situation;
- The limits of analysis are set on the availability of information that individuals have to share with the interviewer;
- The purpose of the conclusions is to answer the objectives set in the research paper itself.

In terms of demographic data, the following data of the group of respondents (expressed in percentage %) were obtained within this research:

#### Gender

Male	Female
54	46

#### Age

from 30 to 49 years	50 years and more
39	61

#### Ethnicity

Macedonian	Albanian	Turkey	Other
49	28	12	11

#### Profession

Expert	Public Sector – Function	University Professor
24	27	49

#### Total working experience

Up to 5 years	From 5-10 years	From 11-20 years old	Over 20 years
/	9	39	52

### *Analysis and interpretation of data*

1. To the question: "How do you evaluate the level of effectiveness of the security sector and services in North Macedonia?" based on sublimation of the views of the respondents, based on the weighting attitude, the following comments were received:

The real experience of respondents:

- "There is mistrust in the institutions...";
- "The problem is high corruption and great political instability."
- "Lack of a clear vision of future perspectives..."
- "There is a clear need for retraining of staff in the institutions..."
- "Lack of professional workforce..."
- There is efficiency in the exchange of information and data that can jointly help preserve stability and peace..."
- "Achieved bilateral cooperation helps to improve the positive handling of security issues..."

Within the framework of the research, three dominant points of view prevail, which enable the creation of modern perspectives, from the aspect of the problem:

1) Distrust in the institutions: among the respondents, there is an attitude of growing distrust in the functioning of the security institutions in the Macedonian society, which raises questions about the level of effectiveness of the security sector and services. Solutions are proposed for modernization, as well as improving the functioning and image of the security institutions before the general public. Some of the respondents also highlight the relevance of security institutions, but also the need to apply new, upgraded approaches that will include new perspectives and practices.

2) High level of corruption: among the respondents, the opinion prevails that over the years, there has been an increasing intensity of the level of corruption, which is also an obstacle to the effective functioning of the security services and the credibility of the institutions. For this purpose, some of the respondents point out their position that there should be more

frequent audits, and transparency in the operation, as well as an audit of the strategic functioning of the institutions.

3) Need for retraining: according to the respondents, retraining employees plays a major role in encouraging greater efficiency of security institutions. More specifically, the respondents believe that the frequent transfer of employees in the security sector needs to be accompanied by retraining of employees and inter-sectoral cooperation to acquire additional necessary competencies. In fact, according to some of the respondents, this question targets one of the essential aspects when analyzing the capacities of employees in the Ministry of Internal Affairs, regarding the fact that they need to have competencies that are by their job position, such as work tasks which they perform, especially when necessary to deal with security risks.

2. To the question: "Is there political will and institutional support for the migration process in Macedonian society?" based on sublimation of the views of the respondents, based on the prevailing attitude, the following comments were received:

The real experience of respondents:

- "This question becomes one of the priority topics...";
- "The regions are far from real stabilization; mutual support is needed."
- "Strong partnership and cooperation of institutions is needed, without exception..."
- "There are common perspectives that go beyond the framework of cooperation only within North Macedonia, the entire Western Balkans is also involved here..."
- "It is about coordination, solidarity, and normative-operational standardization, as a necessity..."
- "Migrants are not only financial capital, they are also human and social capital..."
- "The country respects documents that contribute to greater protection and respect for the rights of migrants, such as the Migration for Employment Convention, 1949 (No. 97) and the Migrant Workers Convention, 1975 (No. 143), while providing a comprehensive normative framework for the promotion and protection of migrants' rights..."

- “Institutions take care of effective management of migration, with the aim of early detection and prevention of illegal crossings and movements along the Balkan route...”
- “It is important to strengthen cross-border cooperation...”
- “It is important to harmonize the national systems with the EURO-DAC system.”

Within the framework of the research, three dominant points of view prevail, which enable views toward modern perspectives:

1) The need for a strong regional partnership: among the respondents, the prevailing view is the importance of regional cooperation, timely exchange of information, as well as the creation of an expeditionary team in constant coordination with the course of existing activities in the domain of migration. In addition, it is pointed out the fact that the overall cooperation in this domain is widely accepted by the public, which does not have a negative attitude toward providing real care for security during the migration flow.

2) Importance of strengthening cross-border cooperation: among the respondents, the opinion prevails that over the years, there has been an increasing intensity of official bilateral cooperation to strengthen border crossings, as well as effective training of staff to deal with situations in the domain of this issue. As particularly important and influential, several of the respondents point out that new collaborations require the application of information technologies and digitization, which will result in greater control of the process, as well as greater effectiveness of the results.

3) There is concern from the institutions about the migration flow: according to the respondents, the wider Macedonian public and the proclaimed political will do not obstruct the efficient handling of the migration process. In addition, according to the respondents, the institutions are also currently working on this problem. Some of the respondents believe that what needs to be done in the future is precisely the modernization of the tools for caring for migrants, their rights, and obligations towards society, as well as encouraging a higher will towards the representatives of the institutional system when acting on the ground.

According to all the data presented within the empirical part of this paper, as well as the application of secondary data, a correct assessment is provided for accepting the hypothesis of this paper, that is: "If the security sector and services function at a high level, effectively recognizing social occasions and security needs, in that case, greater political and institutional support for the migration process is expected".

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To achieve a level of effectiveness in the security sector, it is necessary to pay attention to the following: (1) Capacity increase; (2) Legal framework; (3) Team coordination; (4) Intelligence coordination/sharing; (5) Level of collaboration: Bilateral – Multilateral – International.

Within the Macedonian society and Western Balkans, there is a need for (1) Functional security – to achieve regional stability; (2) Security sector reform, insight into terrorist threats and the need for resocialization, de-radicalization, and increased security through migrant rights policies; (3) Restructuring of security institutions, with the main priority of building transparent, effective and efficient security forces; (4) Strengthening control mechanisms by promoting good governance in the security system, thus ensuring the effectiveness of the security forces; (5) Reconstruction of the security system by solving the urgent problems that arose in the period after the conflict situations.

## **Conclusion**

According to all the above, it can be concluded that determining, or generally defining the meaning of security and security principles, is not a simple task. Security is perceived and presented as a state in a social community, organization, institution, or a certain space, which is characterized by the absence of some threats, that is, danger (uncertainty in the objective sense). Furthermore, security is understood as a state of absence of danger to the basic values and interests of individuals, society, and the state about complex international relations in which it is achieved, preserved, and im-

proved, a state of balanced physical, spiritual, and material survival of the individual and society about other individuals, societies, and nature.

On the other hand, migration as a phenomenon can be understood by the general public as the initiation of conflict, or disagreement, for example, due to the lack of resources or the existence of different interests, the existence of stereotypes, hostility, and antagonisms, as well as hidden resistance or excessive aggression.

Within the framework of this paper, empirical, practical research was implemented on a group of university professors, experts, and public officials in the field of security implications, migration, rights, and competencies, within the framework of Macedonian society.

Accordingly, the following conclusions are highlighted:

- The better and more comprehensively the security risks and threats are understood (as well as the timely action taken towards them), there is greater the real possibility that the professionals who deal with this area will be successful in their activities and actions;
- If on a larger scale, there is cooperation between the security institutions operating in a society, in that case, an increase in success in achieving the final results is expected;
- If experts working in the field of security take into account a deep analysis of the existing cases of migration conflicts and security risks, in that case, a high level of effectiveness and efficiency is expected when adopting new security policies.
- As a recommendation, it is important to consider the following:
- Prompt identification of security risks and threats resulting from migration flows, as well as timely action on them;
- Existence of an expert team that continuously monitors the existing security risks and threats and takes care of their transformation, and building conditions of peace;
- Deep analyses of existing cases of conflict transformation resulting from migration flows are important;
- “Transformation towards positive migration” to be used to set new security policies and encourage a higher level of efficiency and effectiveness of them.

The overall conclusion of this theoretical and practical research is that, in the future, it is of particular importance to study security risks and threats, the efficiency and effectiveness of security institutions, and their cooperation and coordination. The official security services and structures need to have developed a joint reaction model and a strategic approach to action in the event of certain security disturbances.

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# THE DYNAMIC OF CHANGES IN THE EU GOVERNANCE AFTER THE LISBON TREATY. THE EU'S REINFORCEMENT AS A MAIN PILLAR IN THE INTERNATIONAL SECURITY AREA

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**ABSTRACT:** Our contribution aims to explain how the Treaty of Lisbon has shaped the security practices of the European Union, especially by pointing to the establishment of a functional security governance framework. The innovations of the TFEU have provided a legal basis and allowed the creation of new mechanisms for intervention that are essentially supranational in nature, but heavily supported by member states will and their technical capacities, as well as by partners such as NATO.

The present contribution taps into the mainstream debates that capture the development of instruments and collective practices and procedures regarding security and defence at the Union level, offering and a critique on the way in which these new commitments were operationalized, respectively on their functional character. Our analysis will center on the changes in defence and security outlined in the Lisbon Treaty and the Strategic Compass.

The current article delves into the ongoing discussions surrounding the evolution of new tools and proactive behaviours related to security and defence within the European Union, providing a critique of how these new obligations were put into practice and their functional nature. European security governance continues to rely on the financial resources and technical capabilities provided by member states, exacerbated by the absence of strategic planning on a community-wide level.

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To overcome these structural constraints, the option of specialization and reducing the area of priorities for intervention becomes a pragmatic choice, thus maintaining the relevance of the EU in global affairs.

*Keywords:* EU security governance, Lisbon Treaty, Strategic Compass, strategic autonomy

## Introduction

EU's identity in matters of security and defence was shaped starting from the Maastricht Treaty in the form of the Common Foreign and Security Policy (CFSP), this being mainly a diplomatic reaction to preserve peace and international security, guided by the framework of the United Nations Charter. The launch of the European Security and Defence Policy (ESDP) in 1999 gives a strong boost to the idea of committing political resources for a European direction in matters of security and defence. This direction was set by the Anglo-French Summit in Saint-Malo in December 1998, when Blair and Chirac agreed also to lay the foundation for the ESDP security institutions. At this time the institutional design, although emerging, did not have the operational capacity to give substance to such an ambitious project. This bilateral engagement provided a solid foundation to build upon for other initiatives such as the Helsinki Headline Goal in 2003 or Helsinki Headline Goal 2010, through which the EU has pledged to rapidly deploy and sustain forces capable to execute the full spectrum of Petersberg tasks<sup>3</sup>, which are considered to be the operational menu of the EU (as agreed upon within the Amsterdam Treaty).

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<sup>3</sup> Originally adopted in June 1992 by the ministers of the Western European Union (WEU), the first operational menu of Petersburg Tasks included: humanitarian, disarming, peacekeeping, and peacemaking operations. This operational menu was entirely transferred to the EU, together with its institutions, since the WEU has ceased to exist in 2011. The Treaty of Lisbon incorporates the collective defense clause, as well as the Petersberg tasks, placing a strong emphasis on post-conflict stabilisation programme and on the fight against terrorism.

EU's vision in matters of security and defense was firstly displayed in 2003 when Javier Solana, the High Representative for Common Foreign and Security Policy, released the first Security Strategy of the European Union, called "A secure Europe in a better world". The complementary relationship between EU and NATO has been pivotal to the development of a sound security strategy for the EU, the convergence in terms of goals and objectives being also acknowledged by the future High Representative in two speeches delivered in 16 January 1997<sup>4</sup> and 13 May 1998<sup>5</sup>, when he held the position of Secretary General within NATO. The adoption of the Berlin Plus NATO-EU Agreement in 2003 offered another strong signal in the direction of finding proper implementation solutions for EU missions, practically allowing EU to benefit from NATO's assets and capabilities, while retaining command functions.

Complementary to EU's Strategic Compass, NATO has also launched its Strategic Concept at the Madrid Summit on June 29 June 2022. Although the priorities of NATO's Strategic Concept were organized differently than in the Strategic Compass, there is a correspondence between the "core tasks" and the "main pillars". The strategic posture of NATO is structured around: deterrence and defence, crisis prevention and management and cooperative security, while the Strategic Compass is focused on: crisis management, resilience, capability development and partnerships.

Both strategic documents have adapted to Russia's war of aggression in Ukraine but without assuming a particular role in terms of division of labour or burden sharing. NATO remains the main provider for collective defence, while the EU is much more active in articulating political and economic responses, such as organising different dialog formats for peace talks or imposing sanctions regimes, together with other involved stakeholders.

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<sup>4</sup> Javier Solana Speech, "The New NATO and the European Security Architecture", 16 January 1997, available at: [https://www.nato.int/cps/en/natolive/opinions\\_25726.htm](https://www.nato.int/cps/en/natolive/opinions_25726.htm)

<sup>5</sup> Javier Solana Speech, "NATO and the European Security into the 21st Century", 13 May 1998, available at: [https://www.nato.int/cps/en/SID-7F6550F8-E45F3390/natolive/opinions\\_26116.htm](https://www.nato.int/cps/en/SID-7F6550F8-E45F3390/natolive/opinions_26116.htm)

## **The Lisbon Treaty: Building a stronger framework for foreign policy**

The Lisbon Treaty represents an important standpoint for the EU concerning significant changes about the EU decision-making procedures. Practically, the Lisbon Treaty represents the framework for the legislative process, allowing the European Parliament and the Council to have the same power in adopting most of the policies. Additionally, after its implementation, the decision-making has made huge progress towards a more efficient policy adoption, permitting a prompt response from the EU regarding security issues<sup>6</sup>.

The Lisbon Treaty strengthens rules relating to the subsidiarity principle and provides national parliaments with a new, significant role. The EU Treaties' annexe protocols are listed in the following order: Protocol No. 1 on national legislatures' function in the European Union Protocol No. 2 on the application of the (ex-Protocol No. 9) Subsidiarity and proportionality rules (ex-Protocol No. 30). By the terms of these two protocols and in the body text of other articles in the European Treaties, a both a more modern approach to subsidiarity and since Article 5 TEU now provides an inclusive description of the principle specifically alludes to regional and local levels.

Additionally, the Lisbon Treaty establishes new mechanisms to regulate subsidiarity both ex-ante and ex-post in the EU legislative process. It also raises the profile of some actors in the European institutional arena, such as national parliaments with the Early Warning System and the Committee of the Regions with its new ability to file a case before the Court of Justice of the European Union (CJEU). These significant changes concerning subsidiarity impact both the institutional structure of the EU and its procedural procedures and may be seen as another step toward a multi-level, multi-actor governance of Europe.

Consequently, a governance system that involves a sizable number of institutional players from the EU as well as 28 member states and a wide range of cross-cutting policies was significantly altered by the 2009 Lisbon

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<sup>6</sup> European Council, A Secure Europe in a Better World: European Security Strategy, Brussels, 12 December 2003 [not published in the Official Journal].

Treaty<sup>7</sup>. Due to its multi-level actorness, it should come as no shock that obstacles to collective action hamper the scope and style of the EU's international interactions<sup>8</sup>. Unlike other attempts at improving the various parts of the international relations apparatus working together, The Lisbon Treaty established completely new organisations with the aim of EU foreign policy being made in both the supranational and intergovernmental spheres<sup>9</sup>.

The other two major developments brought up by the Lisbon Treaty concern the foreign policy area, with the creation of the External Action Service (EAS) and the High Representative for Foreign Affairs. Their establishment might usher in a new age of European diplomacy, giving the Union a real foreign policy leader and a full-fledged diplomatic service. Are these merely unrealistic expectations, or will the institutional engineering of Lisbon actually change anything?

The enhanced “Brussels-based machinery” inside the EU is nevertheless firmly rooted in an intergovernmental shelf. The Lisbon Treaty accelerates the so-called Brusselization process, which transfers power from national capitals to Brussels where foreign policy is determined by the intense interaction between member states and common EU actors, by steadily improving the institutional framework for foreign policy there. It keeps the concept of sovereignty, at least legally. Therefore, the success of EU external action continues to depend on a distributed coordinating effort between the EEAS and the European Commission, as well as between member states and EU institutions.

The EU's foreign policy formulation hindered more than aided coordinated and successful action on the world stage. Large EU nations are now increasingly influencing EU foreign policy in more constrained contexts as a result of this. The Lisbon Treaty aims to streamline EU foreign policy-making by enacting significant institutional changes. It establishes a more

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<sup>7</sup> Dagand, S., “The impact of the Lisbon Treaty on CFSP and ESDP”, *European Security* 50 Jan Gaspers Review, No. 37, Brussels: International Security Information Service Europe, pp. 5–9.

<sup>8</sup> Piris, J.-C., *The Lisbon Treaty: a legal and political analysis*, Cambridge: Cambridge University Press, 2010, p. 450, ISBN-13: 9780521142342.

<sup>9</sup> Wouters, J., Bijlmakers, S., *Meuwissen, K. The EU as a Multilateral Security Actor after Lisbon: constitutional and institutional aspects*, Leuven Centre for Global Governance Studies, p. 31.

cohesive representation and more reliable leadership, which should lead to successful EU foreign activity.<sup>10</sup>

Understanding whether the Union will actually be more active and impactful in the world requires a consideration of the new institutional foundations of EU external policy<sup>11</sup>. In reality, the preparation process that is currently underway ought to be thoroughly examined in addition to the new treaty requirements. As can be seen, the Lisbon Treaty itself raises numerous issues. Because of this, the understanding of the implementation process is crucial in identifying the authority and duties of the new high representative as well as the extent, scale, organisation, and effect of service.

EU external activity is, more than any national foreign policy, largely about coordinating policies and finding common ground. How does this happen? The major role is played by the high representative, who undoubtedly will be heavily involved in this project. This is a direct outcome of his position as chair, once more, of the Council for Foreign Relations. The high representative's main responsibility will thus be to increase member state unanimity, particularly in CFSP, but also beyond. In reality, he will be keenly interested in uniting the member nations because this will be a requirement before he may undertake any CFSP-related policy.

Lisbon establishes a more cohesive representation and more reliable leadership, but it does not transfer state authority over foreign policy to the EU level. It essentially preserves the dichotomy between "Community matters" and "Common Foreign and Security," which exists under EU foreign policy. The underlying premise of the institutional reform plan at the EU level was that by strengthening group activity among entities with distinct but complementary mandates and creating diverse policy obligations, new players should also advance policy coherence. The goal wasn't merely to make the bureaucracy run more smoothly, but to enhance "consistency" across the various sections of the EU's structure as well as EU foreign policy.

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<sup>10</sup> Avery, G., "The new architecture for EU foreign policy" in Avery, G. et al. (eds.) *The people's project? The new EU Treaty and the prospects for future integration. Challenge Europe*, Issue 17., Brussels: European Policy Centre, 2007, p. 17.

<sup>11</sup> Keukeleire, S. and MacNaughtan, J., *The Foreign Policy of the European Union*, Basingstoke: Palgrave Macmillan, 2008.

As a consequence of Lisbon, there are higher expectations for the EU's external representation's consistency and prominence, which should make implementing its foreign policy less complicated. Despite some significant exceptions, such as in the World Trade Organization (WTO), the EU is not seen by outside parties as a fully equal partner, which may help limit Lisbon's ambition. As stated in the UN General Assembly resolution on the EU's role in the UN, the EU is not permitted to co-sponsor resolutions, submit written proposals or modifications, or bring up procedural issues during discussions or debates<sup>12</sup>.

Additionally, ongoing disagreements among member states over the precise scope of Lisbon's provisions on external representation and internal difficulties brought on by the economic and financial crisis compound the limitations of the EU's external role. The "sui generis statute" of the EU in international politics, and specifically in international organizations, necessitates continuing support of member states' national action to effectively implement EU foreign policy<sup>13</sup>. The EU straddles the line between an international organization and a nation-state. While the EU's message may become more streamlined, it is likely that in the near future, Europeans will continue to speak through a variety of diverse voices.

## EU's governance after the Lisbon Treaty: The big picture

How has the operation of EU institutions been impacted by the enlargement in regard to its governance? Has it brought about a fundamental shift in how business is conducted, or has it merely accelerated existing trends? Instead of examining each institution, composite guidelines

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<sup>12</sup> Laatikainen, K. V. and Degrand-Guillaud, A., "Two Logics, One Treaty: The Lisbon Treaty and EU Foreign Policy in Brussels and at the UN", *Studia Diplomatica*, 63(1), pp. 3-22.

<sup>13</sup> Arter, D., "Small state influence within the EU: The case of Finland's 'Northern Dimension Initiative'", *Journal of Common Market Studies*, 38(5), 2000, pp. 677-97; Ojanen, H., "Participation and influence: Finland, Sweden and the post-Amsterdam development of the CFSP", *Occasional papers ISS*, No 11, 2000, pp. 1-25; Jakobsen, P. V., 'Small state, big influence', *Journal of Common Market Studies*, 47(1), 2009, pp. 81-102; Nasra, S., "Governance in EU foreign policy: exploring small state influence", *Journal of European Public Policy*, 18(2), 2011, pp. 164-80.

will be derived independently and supported by references to the specific EU institutions<sup>14</sup>.

Although the concept of good governance has become more well-known in the literature, there is little consensus on what it really means. The definitions that scholars employ mostly depend on their individual study agendas or their comprehension of the actor under consideration. In addition, there is evidence that excellent governance tends to Government, frequently without defining either idea specifically.<sup>15</sup>

What does good governance actually mean? When speaking about it, it must be mentioned that good governance has profound normative implications. Despite the various definitions and interpretations found in the literature, good governance has acted as a benchmark for effective development strategies that are focused on the fundamental characteristics of governance processes and institutions in OECD nations. <sup>16</sup>Effectiveness, efficiency, openness, accountability, predictability, solid financial management, and the fight against corruption are a few examples of these. respect for democracy, human rights, and the law. The relationship between these components and good governance, however, varies considerably.

Principles like accountability, effectiveness, transparency, or the rule of law are under the first group, whereas respect for human rights, participation, and democratization fall under the second. Additionally, some authors limit their attention to the administrative core to the appropriate operation of the governing body and the state administration<sup>17</sup>. Others include democratic core components since a democratic atmosphere is thought to be a crucial antecedent factor for successful governance<sup>18</sup> Of course, there are various conceptualizations of good governance in the lit-

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<sup>14</sup> Kurpas, S., "The Treaty of Lisbon – How much 'Constitution' is left? An Overview of the Main Changes", *CEPS Policy Brief*, No. 147, Brussels: Centre for European Policy Studies, 2007.

<sup>15</sup> Hill, Hermann, "Good Governance - Konzepte und Kontexte, in: Schuppert, Gunnar Folke: *Governance-Forschung*", *Vergewisserung über Stand und Entwicklungslinien*, Baden-Baden, 2006, pp. 220-247.

<sup>16</sup> Hyden, Goran, Court, Julius, Mease, Kenneth, *Making Sense of Governance. Empirical Evidence from Sixteen Developing Countries*, London, 2004.

<sup>17</sup> Dolzer, Rudolf, "Good Governance: Neues transnationales Leitbild der Staatlichkeit?", *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, 64: 3, 2004, pp. 535-546.

<sup>18</sup> König, Klaus, "Zur Steuerungs- und Werteproblematik", in: Adam, Markus, König, Klaus, *Governance als entwicklungspolitischer Ansatz, Forschungssymposium vom 29. bis 30. September 2000*, Speyer, 2001, pp. 189-199.

erature, and the political content of good. The topic of governance is contentious and varies.

Moreover, it is not sufficient to speak about the principles of governance without dealing with its continuous improvement. In this sense, the majority of international organizations and Western states now prioritize improving governance as a key objective in their foreign policies. External actors can use a variety of strategies to encourage good governance<sup>19</sup>. Here it is spoken about the option of using “intergovernmental interaction” or more conventional diplomatic methods. But is this diplomacy respected, particularly nowadays when international security is founding itself into a dangerous area?

Technical and financial help used to be the most common tool because the promotion of good governance was born from development cooperation. In order to strengthen governance, it aims to develop both tangible and immaterial capacities. However, it soon became apparent that poor governance was not just a matter of insufficient resources. Developing and transitioning nations lacked essential resources to accomplish progress policies. Their political leaders frequently lacked the will to enact domestic reforms. considered essential for achieving excellent governance. Compliance with external criteria has become a bigger problem as good governance has become more mainstream in international organizations and Western states' foreign policies.

In development policy, good governance first became a topic of discussion during the end of the 1980s and the beginning of the 1990s. International organizations like the World Bank, the United Nations, and others have largely influenced the global discussion on good governance.

The United Nations Development Programme (UNDP) and the Organization for Economic Co-operation and Development (OECD) have played significant roles in global development cooperation.

Practically, good governance is a controversial and nuanced concept that has many different applications. Different aspects of “good governance” exist, and there is a significant distinction between what could be re-

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<sup>19</sup> Schimmelfennig, Frank, “Europeanization beyond Europe”, in *Living Reviews in European Governance 1: 1*, 2007. <http://www.livingreviews.org/lreg-2007-1>

ferred to as its political and apolitical components. The apolitical idea interprets “good governance” as the efficient execution of public policies based on regulations. Good governance is frequently thought to call for high-quality democratic involvement, accountability, and strong safeguarding of human rights.

Free and fair elections, responsiveness, efficiency and effectiveness, openness and transparency, adherence to the rule of law, ethical conduct, competence and capacity, sustainability and long-term orientation, sound financial management, human rights, cultural diversity, and social cohesion, and accountability are the twelve principles of good governance established by the Council of Europe. According to the United Nations, good governance consists of eight key elements: participation, consensus-building, accountability, transparency, responsiveness, effectiveness and efficiency, equity and inclusion, and legal compliance.

## **EU’s strategic compass as a security provider**

In order to understand better how the governance of the EU functions, it is extremely important to mention its strategic compass in order to make Europe a secure provider. The EU has a significant role to play in attempts to build short-term capability, but the Strategic Compass primarily examines investment in next-generation capabilities during the present decade and beyond<sup>20</sup>. The Council approved the Strategic Compass exercise because it might be a helpful tool for enhancing and directing the execution of the level of ambition decided upon in the EUGS of November 2016. The Strategic Compass plays a dual function in that situation. The Compass is anticipated to strengthen the EU's security and defence strategy by taking into consideration the threats and helping establish a cogent and strategic approach to the current defence endeavours<sup>21</sup>.

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<sup>20</sup> S. Biscop, “From Global Strategy to Strategic Compass: Where Is the EU Heading?”, *Security Policy Brief*, No. 121, 2019; D. Fiott, “Uncharted Territory? Towards a Common Threat Analysis and a Strategic Compass for EU Security and Defence”, *EU Institute for Security Studies*, Brief 16, 2020.

<sup>21</sup> Biscop, Sven, “EU and NATO Strategy: A Compass, A Concept, and A Concordat.”, *Security Policy Brief*, 141 March, 2021.

Additionally, the Strategic Compass might aid in the growth of a unified European security and defence mindset. The EU member states must share an understanding in order to establish such a culture. Such dangers and difficulties affect the objectives and principles of the EU. This development of a crucial necessity is having a shared knowledge of the security environment within the EU for improved collaboration in the area of defence and security.

The Strategic Compass focuses on four key areas: “Act,” which is concerned with the EU's crisis management skills; “Secure,” which is concerned with the EU's ability to anticipate threats, manage numerous dangers, and safeguard its citizens; “Invest,” which seeks to determine and deal with the investment requirements for technology and skills; and finally “Partner,” which is concerned with the EU's alliances and how they can assist the EU in achieving shared goals.

Starting with the first key, **Act**, some important aspects must be mentioned in order to have a better understanding of the functioning of the compass. Firstly, it is impetuous for the EU to function quickly throughout the five main strategic spheres of influence—land, sea, air, internet, and space. It would be similar to the independent action that each Member State could take, within their limitations, save that the Union wishes to accomplish this through the so-called “integrated approach,” which entails making full and coherent use of all the policies and instruments at its disposal in addition to the civilian and military dimensions of the CSDP, with special emphasis on crisis management. It distinguishes between two important components in order to achieve this: performance and preparation.

Secondly, In terms of action, the goal is to increase decision-making speed, competency, and efficiency. This action then needs to be more swift, decisive, and adaptable in order to cover the whole range of crisis management. Therefore, an “EU Rapid Deployment Capability” will be created, consisting of “a modular force of up to 5,000 soldiers with strategic support, divided into land, air, and naval components elements”. The focus of this capability would be on rescue and evacuation efforts, and contribute to

the early stabilization operations phase, through “a considerable alteration of battlegroups<sup>22</sup>” to increase their sturdiness and adaptability as a tool.

Additionally, there is a desire to use the European Peace Facility more frequently so that non-EU allies can receive military hardware, as was already done in the case of Ukraine. The objective is also to enhance collaboration between the various available programs and tools to assist non-member partners and enhance coordination with other European-led missions, military and civilian missions, and missions and activities in similar or nearby regions.

The second key element, **Secure**, emphasises the necessity to safeguard access to the sea, air, cyber, and space domains in the second major topic of the Strategic Compass, in light of the ongoing development of hybrid, transnational dangers necessitate strengthening European resilience through foreseeing, identifying, and addressing dangers of this nature<sup>23</sup>. In this regard, five major the following areas:

- Improving intelligence, secure communications, and early warning systems
- Fostering the growth of cyber diplomacy and countering misinformation manipulation and outside intrusion
- Protecting European access to key areas
- Counterterrorism
- Supporting arms control, nonproliferation, and disarmament

Practically, a crucial part of this is to establish laws and regulations on communications security, coordinating the resources and organizations of the Union, Member States, and partners to strengthen the protection of secure communications systems for communications, infrastructure, and information.

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<sup>22</sup> Fiott, Daniel, “Capability Development.” In *The EU’s Strategic Compass and its Four Baskets*, edited by Mölling, Christian and Torben Schütz, 2020, 10–11. DGAP Report, 13. 11 November. Berlin: German Council on Foreign Relations. <https://dgap.org/en/research/publications/eus-strategic-compass-and-its-four-baskets>.

<sup>23</sup> Mölling, Christian, and Torben Schütz, “The EU’s Strategic Compass and Its Four Baskets.” DGAP Report, 2020, 13. November 11. Berlin: German Council on Foreign Relations. <https://dgap.org/en/research/publications/eus-strategic-compass-and-its-four-baskets>.

As previously said, there is a sense of *deja vu* about the initiatives and actions suggested under the “act” section. These efforts were previously agreed upon and come with some excellent intentions but no clear plan of action. We're used to the upbeat rhetoric that European bureaucracy uses. Likewise, NATO is a consistent and inevitable reference point, with all the implications that this has for renouncing true and complete strategic autonomy for Europe<sup>24</sup>.

Geographic interests are married with emergent threats and challenges: terrorism and violent extremism, the proliferation of weapons of mass destruction, state and non-state actors that resort to hybrid and cyber threats, as well as disinformation, destructive technologies, maritime security threats, climate changes, environmental degradation, natural disasters, health crises and competition for natural resources.

Regarding the **Invest** pillar, its objective is to increase and improve investments in cutting-edge technologies and defence capabilities at the national and EU levels. The goal is to attain a sufficient level of technological sovereignty in important sectors and reduce reliance on others, lowering supply and value chain risk. The member nations' approval of the commitment to drastically reduce their defence spending, is a concern that is for the first time in a Council resolution. The ultimate goal is to have fully mobile, interoperable, agile armies. technologically sophisticated, environmentally friendly, and robust. An essential component of this goal is to modify planning and capacity building, to increase capacity and close any gaps. existing obstacles to European action.

Once more, the process's outcomes ought to be in line with NATO procedure. Notably, NATO does not demand as vehemently that its capability planning process must align with that of the EU, creating an asymmetric relationship between the two organizations that state they adhere to the “inclusiveness, reciprocity, and autonomy in decision-making” in the

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<sup>24</sup> Morcos, Pierre, and Donatienne Ruy, “A European Peace Facility to Bolster European Foreign Policy?” *Commentary*, February 2, 2021, Centre for Strategic and International Studies, <https://www.csis.org/analysis/european-peace-facility-bolster-european-foreign-policy>.

relationship between the US and the EU. However, in light of the scenarios, they plainly indicate the extent of harsh power ambition.

The last of the Strategic Compass' four major strands is devoted to the instrument of **partnership**, which aims to establish alliances with nations or groups of nations that can help the Union achieve its regional or global goals: a multilateral approach. With the UN at its centre, there is an international order based on international law. To do this, the EU not only seeks to establish alliances that are advantageous to itself but also aims to strengthen the partners who are in danger. The goal is to create a flexible design that can quickly a variety of circumstances necessitated by the partners' diverse personalities, their international and bilateral geopolitical settings, their capabilities, and requirements levels<sup>25</sup>.

The goal of strengthening the network of bilateral relationships is to provide each one with a unique, case-by-case design while more consistently incorporating security and defence matters into political talks. To accomplish this, all of the partners in the Union will be included in the institutionalized Partnership Forum. Additionally, the network of counterterrorism specialists and military advisers in various EU delegations must be strengthened<sup>26</sup>.

Emerging risks and challenges, such as terrorism and violent extremism, the spread of chemical weapons, state and non-state actors using hybrid and cyber threats, as well as misinformation, are coupled with geographic interests, environmentally harmful technology, risks to marine security, climate change, and environmental degradation, catastrophes of all kinds, health problems, and struggle for natural resources.

Is the European Strategic Compass enough to handle all the encountering problems? In terms of efficiency, it must be underlined the fact that the Strategic Compass was launched in June 2020 in an effort to align the opinions of all 27 member states on risks and security-related concerns.

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<sup>25</sup> Latici, Tania, "How the Strategic Compass Can Incubate a European Prototype for Burden Sharing.", *Security Policy Brief*, 146. May, 2021.

<sup>26</sup> Puglierin, Jana, "Resilience.", in *The EU's Strategic Compass and its Four Baskets*, edited by Mölling, Christian and Torben Schütz, 2020, pp. 8–9. DGAP Report, 13. November 11. Berlin: German Council on Foreign Relations. <https://dgap.org/en/research/publications/eus-strategic-compass-and-its-four-baskets>

Competition between great powers, instability in the neighbourhood (the focus back then was the Russian Federation and its proffered threats, as well as the Middle East, which generated tensions through the excessive numbers of migrants emerging from within), transnational threats, cyber and hybrid actions were all on the list of commonly recognized threats at the time.

However, there are still important practical problems, such as how exactly to act. To what dangers and difficulties? Using what means? And with what consequences for the EU? The traditional line between war and peace has been blurring in recent years. The world is full of mixed-dynamics scenarios where we must deal with compulsion, intimidation, and competition. In fact, in addition to soldiers, tanks, and aeroplanes, the weapons of power also include disinformation, cyberattacks, the use of migrants as labour, the privatization of militaries, and the political control of rare earth or sensitive technologies<sup>27</sup>. We must be conscious that defending Europe will need a fresh, all-encompassing view of security, and that new technologies will have a significant influence on future conflict and European defence.

Additionally, the geopolitical scene is growing increasingly complicated. More and more states are acting like rivals or competitors on some subjects while acting like partners on others. The structure of international relations is becoming more and more transactional. For the EU, which continues to be the region with the largest space and has a lot of conflicting locations nearby, this is a significant difficulty. Due to the fact that there are also concerning trends like state breakdown, the erosion of democratic liberties, and breaches of human rights. In addition to violations of international and humanitarian law, assaults on “global commons” including cyberspace and high seas space and the oceans.

An examination of threats serves as the Compass's starting point. Threats and challenges to the Union are “multifaceted and frequently interconnected.” The Compass correctly depicts a bleak picture, stating that the EU is “surrounded by instability and conflicts”. Its eastern border is threat-

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<sup>27</sup> Peters, B.G. and Pierre, J., “Governance Approaches”, in Wiener, A. and Diez, T. (Ed.) *European Integration Theory*, Oxford Oxford University Press,, 2009.

ened by a revanchist Russia, which is both the Union itself and the EU's neighbours. Russia is a menace in the south as well because of its interventions in Libya and Syria, as well as its impact on the Sahel. An outline of the threat posed by China is provided. Beijing is viewed as a systemic opponent, an economic competitor, and a partner in other areas. A characterization that, if China links more closely with Russia, might be surpassed by events<sup>28</sup>.

Considering the actual picture of the international arena, is the Strategic Compass showing efficiency? Essentially, the Compass does not include a comprehensive plan for how the EU should respond to each of these dangers and difficulties. It is not a global or even a regional strategy like the 2016 Global Strategy. The Compass, on the other hand, admits that the EU is currently “collectively underequipped to counter the full focus on the instruments the Union needs to combat the wide range of threats and problems it faces<sup>29</sup>.”

### **How powerful is the EU reinforcement as a main pillar in the international security area?**

The Strategic Compass may fail to put an end to the transatlantic and European discussions concerning the EU's function in maintaining security in Europe. According to the Compass, member states will continue to carry out advance scenario planning, and the EU has a role in safeguarding member states within the framework of its “mutual assistance clause”, preparation and exercises, including online ones. However, the Compass in no way promotes the EU as an alternative to NATO, consistently highlighting how the two work best together<sup>30</sup>.

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<sup>28</sup> Walker, N., “EU Constitutionalism and New Governance” in De Búrca, G. and Scott, J (Ed.) *Law and New Governance in the EU and the US*, Oxford: Oxford University Press, 2006.

<sup>29</sup> Lieb, J. and Maurer, A., “Making EU Foreign Policy more effective, consistent and democratic: The options and variables for the European External Action Service”, *Working Paper FG 1*, Berlin: German Institute for International and Security Affairs, 2007.

<sup>30</sup> Meunir, S., and Nicolaïdis, K., “The European Union as a Trade Power”, in Hill, C. and Smith, M. (eds.) *International Relations and the European Union*. Oxford: Oxford University Press, 2000, pp. 39–63.

The EU holds the firm belief that only inclusive and networked multilateralism can bring about sustainable peace as a result of the decades of successful European integration. Although, to also, speak the EU's official language of power would require some strategic autonomy in European security policy, if not full, while being a part of a powerful network of international relationships on a multilateral basis. European geopolitical influence will increase actors and not act as a stage for the ingrained competition between the United States and China, the need to defend European interests internal standards, values, and projects externally by creating alliances with similar companions.

The growth of a shared European narrative should be seen as a crucial concern. The significance of highlighting the contributions made by specific EU member states in enhancing the combination of defence and security. This has a strong connection to the discourse surrounding national security and defence policy. The fate of the EU ultimately rests on its 27 member states' capacity to collectively provide efficient and long-lasting answers, as well as specifying the means to fulfil the objectives given.

The EU must also establish and strengthen solid alliances. The Strategic Compass should illustrate that strategic autonomy goes hand-in-hand with enhancing cooperation with allies, possibly following a new joint EU-NATO statement on cooperation. In this context, the Strategic Concept of NATO and the Strategic Compass of the EU serve as the respective institutional tools that set goals for rekindled NATO-EU cooperation. Differences between the two would harm their credibility as a whole<sup>31</sup>. The Strategic Compass can attest to the EU's determination to promote defence cooperation with the US when appropriate, proving that strengthening Europe does not erode transatlantic connections. Because of this, the EU and the US should hold their first strategic dialogue on security and defence in order to ensure a security climate in the international arena<sup>32</sup>.

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<sup>31</sup> Smith, M. E., "Conforming to Europe: domestic impact of EU foreign policy-cooperation", *Journal of European Public Policy*, 7(4), 2000, pp. 613–31.

<sup>32</sup> Witte, B., "The Constitutional Law of External Relations", in Pernice I. and Poyares Maduro, M. (eds.) *A Constitution for the European Union: First Comments on the 2003-Draft of the European Convention*, Baden-Baden: Nomos, 2004.

In conclusion, while the Strategic Compass signifies a significant advancement in some areas (particularly in the planning of both parts of the Union's missions and activities as well as in military and civilian fast intervention), it does so at the expense of others, as we have already stated a strong sense of déjà vu, though this will need to be confirmed based on whether and how well its goals are carried out, as well as how successful they are.

## **Discussions and analyses on the road from the Treaty of Lisbon to the Strategic Compass**

Can the EU achieve its objective of being a fully-fledged actor in international security and defence? Can we draw a roadmap for this process? What about Strategic autonomy?

The security objectives of the European Union depend above all on the ability of the members to form a common front around concrete projects and actions. Thus, strategic autonomy, seen in terms of capacities and capabilities, must be mobilized according to a collective agenda, generated within the institutions of the European Union and with the collaboration of the member states. To build a strategic autonomy for the European Union, dedicated budgets are needed. At this moment, the multiannual financial framework of the European Union 2021-2027<sup>33</sup> does not have sufficient funding to fuel the defence ambitions that the Community has.

The notion of European Strategic Autonomy (ESA) revolves around the EU's capacity, in collaboration with its Member States, to independently define its priorities, make decisions, and execute actions in the realms of foreign policy, security, and defence.<sup>34</sup> This independence is crucial for the

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<sup>33</sup> Currently the European Defence Fund has a budget of close to €8 billion for 2021-2027. This is complimented by the European Peace Facility (EPF) and also an off-budget funding mechanism that is part of the Common Foreign and Security Policy (CFSP). More details available here: [https://commission.europa.eu/strategy-and-policy/eu-budget/motion/focus/eu-budget-boosts-eus-defence-industry-and-european-security\\_en](https://commission.europa.eu/strategy-and-policy/eu-budget/motion/focus/eu-budget-boosts-eus-defence-industry-and-european-security_en)

<sup>34</sup> Yakoviyk, I., Tragniuk, O., & Boichuk D. Serhiiiovych, 'Strategic autonomy of the European Union: on the way to «European sovereignty» in defense?', *Problems of Legality*, (149), 2020, 223-242. <https://doi.org/10.21564/2414-990x.149.199902>

EU to assert its sovereignty and establish itself as a credible international actor in matters of security and defence. One key aspect that underpins the European Union's strategic culture is its comprehensive and multilateral approach to security threats, which involves the integration of military and civilian instruments across various Common Security and Defence Policy (CSDP) operations.<sup>35</sup> This approach reflects the EU's commitment to addressing security challenges through a combination of diplomatic, military, and civilian means, highlighting the complexity and interconnectedness of security issues in the region.

The development of security and defence policies within the EU is guided by strategies that are designed to respond to contemporary challenges and threats, emphasizing the need for a cohesive and coordinated approach to security within the European framework. However, there have been debates surrounding the establishment of a unified European strategic culture, with some scholars pointing out potential weaknesses in the socialization process necessary for fostering a shared understanding of security and defence objectives.<sup>36</sup>

In the pursuit of enhancing its security architecture, the EU has embarked on initiatives such as the Permanent Structured Cooperation (PESCO) and the European Intervention Initiative (EI2), led by France, aimed at deepening defence cooperation among member countries and strengthening the EU's defence capabilities.<sup>37</sup> These initiatives signify a concerted effort to bolster European strategic autonomy and reduce dependence on external actors for security provision.

The establishment of the Common Security and Defence Policy (CSDP) within the EU has been a significant milestone in aligning national defence planning with collective European goals, thereby fostering a more

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<sup>35</sup> Biava, A., Drent, M., & Herd, G., "Characterizing the European Union's strategic culture: an analytical framework", *JCMS Journal of Common Market Studies*, 49(6), 2011, pp. 1227-1248. <https://doi.org/10.1111/j.1468-5965.2011.02195.x>

<sup>36</sup> Haine, J., "The failure of a European strategic culture – EUFOR CHAD: The last of its kind?", *Contemporary Security Policy*, 32(3), 2011, pp. 582-603. <https://doi.org/10.1080/13523260.2011.623060>

<sup>37</sup> Tekir, G., "El equilibrio de seguridad liderado por Francia frente a la OTAN", *Comentario Internacional*, (21), 2021, pp. 77-98. <https://doi.org/10.32719/26312549.2021.21.4>

cohesive approach to security and defence matters.<sup>38</sup> This policy framework enables EU institutions to manage security operations and decision-making processes, contributing to the gradual consolidation of a common European defence identity.

The evolution of the European defence industry has played a pivotal role in shaping the EU's security and defence landscape, with factors such as technological advancements, economic restructuring, and policy developments influencing the sector's transformation.<sup>39</sup> The integration and cooperation among defence industry stakeholders are essential for ensuring the sustainability and competitiveness of the European Defence Technological and Industrial Base (EDTIB) within the framework of the CSDP.<sup>40</sup>

The changing geostrategic environment in Europe has necessitated increased defence cooperation among EU member states, with a particular focus on understanding the preferences and strategic interests of key actors such as France and Germany.<sup>41</sup> This cooperation is vital for addressing emerging security challenges and fostering a more cohesive and effective European defence posture in the face of evolving threats.

The European Union's ability to intervene in security crises in complementarity with NATO has long been an aspiration, with efforts underway to enhance the EU's operational capacity and strategic autonomy in security and defence matters.<sup>42</sup> This gradual shift towards a more proactive and coordinated approach to security reflects the EU's ambition to play a more assertive role in shaping the geopolitical dynamics of the region.

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<sup>38</sup> Cottey, A., "A Strategic Europe", *JCMS Journal of Common Market Studies*, 58(2), 2019, pp. 276-291. <https://doi.org/10.1111/jcms.12902>

<sup>39</sup> Guay, T. and Callum, R., "The transformation and future prospects of Europe's defence industry", *International Affairs*, 78(4), 2002, pp. 757-776. <https://doi.org/10.1111/1468-2346.00278>

<sup>40</sup> Reis, J., Rosado, D., Ribeiro, D., & Melão, N., "Quintuple helix innovation model for the European Union defense industry—an empirical research", *Sustainability*, 14(24), 2020. <https://doi.org/10.3390/su142416499>

<sup>41</sup> Baun, M. and Marek, D., "Making Europe defend again", *Mezinárodní Vztahy*, 54(4), 2019, pp. 27-46. <https://doi.org/10.32422/mv.1643>

<sup>42</sup> Sekulović, D. and Forca, B., "The European union in the process of current geopolitical recommendations of power relations", *FRS*, 1(1), 2022. <https://doi.org/10.7251/znubl2201171s>

EU's journey from the Treaty of Lisbon to the Strategic Compass, in terms of security and defense, has shown significant achievements in several areas, especially because it has clarified and strengthened Union's ambitions.

The Treaty of Lisbon offered a unitary legal personality to the Union, but it also provided it with the levers and mechanisms through which security and common defense can be configured in a supranational manner, even if traditionally the states are the ones responsible for these policies. By outlining a clear direction for security and defense, the Strategic Compass has enabled the EU to assert its strategic autonomy in security and defense matters, positioning itself as a crucial security actor on the global stage.<sup>43</sup>

Moreover, the Strategic Compass has facilitated the EU in safeguarding critical infrastructure, such as space assets, and leveraging opportunities in the space domain to bolster security efforts at a greater scale. This strategic framework has not only focused on traditional security aspects but has also extended to cover emerging domains like space, reflecting the EU's adaptability to evolving security challenges. Additionally, the Strategic Compass has played a pivotal role in guiding the European Commission's initiatives related to security and defence policy, underscoring its influence on shaping defence-related strategies within the EU.<sup>44</sup> The strategic Review, published one year after the document was launched, shows that the comprehensive approach to security and defence that the document proposes also includes diplomatic, humanitarian, trade, as well as some additional tools that allowed the EU to position itself better, respectively to have alternatives regarding the actions taken.

Moreover, the adoption of the Strategic Compass has been pivotal in promoting European defence integration and pooling national capabilities

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<sup>43</sup> Tučić, B., "The strategic compass for security and defense of the European Union: a platform for global action within the common security and defense policy?" *Журнал За Безбједност И Криминалистику*, 5(2), 2023, pp. 21-32. <https://doi.org/10.5937/zurbezkrim2302021t>

<sup>44</sup> Håkansson, C., "Where does the compass point? the European Commission's role in the development of EU security and defence policy", *European View*, 2022. <https://doi.org/10.1177/17816858221086425>

to military duplication, conduct joint military procurement, and enhance overall defence capabilities.<sup>45</sup>

Furthermore, the Strategic Compass has contributed to the development of a holistic security mechanism, such as proactive dynamic defence, to increase the costs of attacks and mitigate risks in cyberspace and critical infrastructure networks.<sup>46</sup>

The document outlines a vision for a more geopolitically assertive and strategically autonomous EU, with a focus on enhancing the Union's capacity to act in the face of crises and conflicts. One key aspect of the Strategic Compass is its emphasis on promoting policy coherence across different EU policy domains, such as development, trade, and climate change. This reflects a growing recognition that the EU's external action must be underpinned by a more holistic and integrated approach, given the complex and interconnected nature of contemporary security challenges. In this context, the Strategic Compass has been praised for its ambition to better align the EU's various foreign policy instruments and to enhance the Union's ability to address multifaceted threats. However, some experts have cautioned that the implementation of the Strategic Compass may be hindered by the persistent lack of a clear and coherent China policy at the EU level, as member states continue to prioritize their own bilateral relations with Beijing.<sup>47</sup> Moreover, while the Strategic Compass acknowledges the importance of addressing the cascading effects of climate change, some analysts argue that the EU's efforts to "green" its foreign policy remain insufficient.<sup>48</sup> As the EU seeks to position itself as a global leader on sustainability and climate action, there is a need to more effectively integrate environmental considerations into its security and defence planning.

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<sup>45</sup> Barić, R., *The war in Ukraine and future development of the EU common security and defense policy*, 2023, pp. 131-145. [https://doi.org/10.18485/isimod\\_strint.2023.ch8](https://doi.org/10.18485/isimod_strint.2023.ch8)

<sup>46</sup> Huang, L. and Zhu, Q., "Adaptive strategic cyber defense for advanced persistent threats in critical infrastructure networks", *ACM SIGMETRICS Performance Evaluation Review*, 46(2), 2019, pp. 52-56. <https://doi.org/10.1145/3305218.3305239>

<sup>47</sup> Casarini, N.: *China's Rebalancing towards Europe*", *Routledge*, 50(3), 2015, pp. 122-129. <https://doi.org/10.1080/03932729.2015.1061781>

<sup>48</sup> Robins, N., "GREENING EUROPEAN FOREIGN POLICY", *Wiley*, 6(6), 1996, pp. 173-182. [https://doi.org/10.1002/\(sici\)1099-0976\(199611\)6:6<173::aid-eet95>3.0.co;2-6](https://doi.org/10.1002/(sici)1099-0976(199611)6:6<173::aid-eet95>3.0.co;2-6)

At the same time, the EU's ability to project soft power and influence global affairs through non-military means has been a subject of debate. Some scholars have highlighted the potential for the EU and China to engage in a "soft power competition" in the context of initiatives like the Belt and Road <sup>49</sup>, underscoring the importance of the EU developing a more strategic and coordinated approach to its external engagement.

## Conclusions

The evolution of European security governance from the Treaty of Lisbon to the Strategic Compass represents a significant transformation in the European Union's approach to security and defence challenges. The Treaty of Lisbon, implemented in 2009, established the foundation for a more integrated security policy within the EU, emphasizing the necessity for a common defence framework and increased cooperation among member states.

Such a foundation was built also on the enhanced solidarity clause and mutual defence clause (Art. 42.7 of the TFEU), which both contributed to a great emphasis on capacity building. The position of High Representative for Foreign Affairs and Security Policy will also provide the much-needed consensus for a greater coherence and effectiveness to the EU's external action. In his role of both chair of the Foreign Affairs Council and vice-president of the European Commission, the High Representative will also be supported by the European External Action Service (EEAS), which is considered to be also an emanation of the same Treaty of Lisbon. The connection between TFEU and the Strategic Compass is maintained also by the current holder of the position of High Representative, Josep Borell, who is endorsing the document.

Subsequently, the Strategic Compass, adopted in 2022, signifies a strategic shift in European security governance, building upon the principles set forth by the Treaty of Lisbon. One of the key innovations in Euro-

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<sup>49</sup> Duarte, P., & Ferreira-Pereira, L C., "The Soft Power of China and the European Union in the context of the Belt and Road Initiative and Global Strategy", *Taylor & Francis*, 30(4), 2021, pp. 593-607. <https://doi.org/10.1080/14782804.2021.1916740>

pean security governance from the Treaty of Lisbon to the Strategic Compass is the emphasis on strategic autonomy and sovereignty in defence matters. The Lisbon Treaty introduced the concept of an integrated security policy, while the Strategic Compass aims to enhance the EU's defence capabilities and assert its strategic autonomy in security and defence affairs.<sup>50</sup> This shift towards strategic autonomy reflects the EU's ambition to become a more proactive and independent security actor on the global stage. The transition from the Treaty of Lisbon to the Strategic Compass has seen advancements in policy coherence and coordination within the EU's security and defence architecture. The Strategic Compass aims to link EU instruments and actors in a more organic way, fostering a 'comprehensive' and 'joined-up' approach to security governance.<sup>51</sup> This integrated approach involves closer collaboration between institutions such as the European Commission and the European External Action Service to ensure policy coherence and effectiveness in addressing security challenges.

The Permanent Structured Cooperation, introduced for the first time in the Lisbon Treaty, is increasingly present in the development plans coordinated by the European Defence Agency, although the projects financed through this platform are, in the vast majority, in the first stages of implementation. Budgetary limitations at the EU level contribute to the slow pace of development of new military and security capabilities, which are mostly at the disposal of the member states. Hence the problem of sequencing between the budget, planning and procurement cycles, respectively the availability of the national political factor to allocate funds for such projects. At this level, the national defence industries and the emphasis placed on the contribution to NATO seem to blur the ability of the EU to articulate its own strategic objectives, respectively to accelerate or strengthen them.

Great power competition coupled with rising geopolitical instability and the resurgence of conventional warfare in Europe provided arguments for a sustained effort on the part of the member states that have already

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<sup>50</sup> Dorosh, L., *Eu strategic autonomy: key challenges and obstacles to its achievement*, 2023. <https://doi.org/10.30525/978-9934-26-355-2-19>

<sup>51</sup> Furness, M. and Gänzle, S., "The security–development nexus in European Union foreign relations after Lisbon: policy coherence at last?", *Development Policy Review*, 35(4), 2016, pp. 475-492. <https://doi.org/10.1111/dpr.12191>

begun to prepare their own citizens to approve the increase in public spending in order to ensure security. Such a political shift is enhancing strategic autonomy because the central objective is to bolster the EU's capacity to act independently in defence of its interests and values, reducing reliance on external actors.

The Compass aims to address hybrid threats like disinformation, cyberattacks, and economic coercion, strengthen the EU's crisis management capabilities, and promote strategic partnerships with NATO. However, implementation challenges include complex decision-making processes, lack of political will among member states, and concerns about coherence and coordination across foreign policy instruments.

EU's Strategic Compass, as well as the Lisbon Treaty, are living documents that will continue to evolve in response to the changing security environment and governance transformations. The current focus is on implementation, with the Ukraine crisis serving as a catalyst for greater ambition and urgency.

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# NAVIGATING AND DYNAMICS OF THE EUROPEAN UNION CITIZENSHIP: A COMPREHENSIVE ANALYSIS OF LEGAL AND SOCIAL DIMENSIONS

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**ABSTRACT:** The analysis undertaken in this paper is devoted to the institution of European citizenship, which gives qualitatively new rights to the citizens of the member states, related to the expansion of their spatial possibilities. The main aim of the paper is to demonstrate an important aspect of citizenship - citizenship legislation establishes a direct link between the Union and its citizens, and the institution of EU citizenship itself embodies the idea of creating not only a union of states but also of nations, a union of people. The paper also aims to provide an overview of EU citizenship, explaining the concept of this structure, a historical outline, and discussing the catalogue of EU citizenship rights. The paper most extensively presents the concepts and content of the institution of citizenship of the European Union, its legal regulation, and justification of its subsidiary character, showing the specificity of the status of an EU citizen. The paper attempts to verify and formulate several main hypotheses, according to which citizenship is an important example of European identity and is an important subject of theoretical research; citizenship of the European Union is significantly reflected in legal regulations at the Union level and significantly affects the functioning of citizens of the member states. In order to be able to realise the aim of the paper, specific research methods were used: the method of critical analysis of the literature; the method of institutional-legal analysis involving an analysis of normative acts which are the product of legal institutions.

*Keywords:* European Union; citizenship of the European Union; European identity; migration

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## Introduction

The issue of the legal international regulation of the concept of nationality has its origins in the distant past, beginning with the early stages of the formation of law as such, when the social and political foundations of this institution were being laid, which in turn conditioned the legal essence of nationality. In the middle of the 20th century, European countries embarked on a path of integration, which led to plans for economic and political unification. This was made possible through European organisations such as the European Union and the Council of Europe. Furthermore, through various attempts, adopting conventions and treaties at the end of the 20th century, it became possible to legally formalise a common EU citizenship. 30 years have passed since the introduction of European Union citizenship under the Treaty on European Union. Despite this, the institution of European citizenship remains a topical and contemporary issue. Citizenship tends to be national, but not only that, it can also have a supranational dimension, an example of which is the citizenship of the European Union established by the EU Treaty. In the national media, as well as in policies and documents of the European institutions, EU citizenship is highlighted as a topical issue. The jurisprudence of the Court of Justice of the European Union has seen a number of member states intervene in Union citizenship cases. Initially, when it was introduced, it was feared that Union citizenship would have only a symbolic value. In turn, the case law on European citizenship is even criticised today as being too intrusive into national legislation. In the current context of the situation in the European Union, European citizenship is not only seen positively but also as a threat to national sovereignty. Moreover, the economic crisis has not brought citizens closer to the European Union. On the contrary, individuals seem to still feel closer to their own member states<sup>2</sup>.

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<sup>2</sup> Sergio Carrera, Nunez, Gerard-Rene de, Groot, *European citizenship at the crossroads. The role of the European Union on loss and acquisition of nationality*, Oisterwijk, Wolf Legal Publishers, 2015, pp. 32-34.

Citizenship of the European Union is an unprecedented step in the history of both the institution of citizenship and inter-state structures. No existing regional organisation in the world, let alone a classical international organisation, knows citizenship in practice and does not legally recognise it. European citizenship was formally introduced in 1993 in articles 17-21 of the Treaty establishing the European Community, now articles 20-25 of the Treaty on the Functioning of the European Union. The inclusion of specific rights for European citizens in the EC Treaty did not arise suddenly, but resulted from earlier initiatives to create the idea of a “*people-centred Europe*”<sup>3</sup>.

Ideas about some form of citizenship of the European Union had already been debated since the 1970s. Following the Paris summit in 1975, Leo Tindemans<sup>4</sup>, Prime Minister of Belgium, produced a report on the future of the European Union, which contained several proposals for further European integration. The report also included a separate chapter on European citizenship. Tindemans emphasised the need for solidarity and the protection of rights, stating: “*The proposals for bringing Europe nearer to the citizen are directly in line with the deep-seated motivations behind the construction of Europe. They give it its social and human dimension. They attempt to restore to us at Union level that element of protection and control of our society which is progressively slipping from the grasp of State authority due to the nature of the problems and the internationalization of social life. They are essential to the success of the undertaking in that it is not enough for the Community of the future to exist: it must also be seen to exist*”<sup>5</sup>.

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<sup>3</sup> Directorate-General for Research and Innovation (European Commission), *Co-creating European Citizenship*, Brussels, 2013, pp. 25-26, accessed October, 30th, 2023: <https://op.europa.eu/en/publication-detail/-/publication/1c538746-ab53-4dd5-ab6d-4dfe7eaa81ff>.

<sup>4</sup> In 1994-1995, a group of several dozen politicians and public figures of the European Union was formed to discuss the prospects of integration of Central and Eastern European states into the EU. The most prominent participant and formal leader of this group was Leo Tindemans, the author of a number of works on economic and domestic political problems in Belgium, as well as on pan-European issues. Tindemans' group's manifesto was the report “*Europe: Your choice*”, which described five scenarios for the future development of the European Union. This was the end of the group's activities.

<sup>5</sup> European Communities, *Euroforum - Europe day by day*, No. 2/76, 13 January 1976, Brussels, 1976, accessed October, 30th, 2023: <https://aei.pitt.edu/35130/1/A1320.pdf>.

In 1974, the European Parliament adopted a resolution on the granting of specific rights to citizens of the European Community, which called for the granting of civil and political rights to Community citizens. Four and a half years later, the European Commission submitted a proposal for a directive on the right of residence for nationals of member states, irrespective of the existence of economic links, as required by the freedom of movement of persons (articles 45 and 49 of the Treaty on the Functioning of the European Union). In this proposal, the Commission stressed that the introduction of the right to free movement of Union citizens would be an important step in the gradual development of the European Community from a market community to a community of citizens. This proposal was not adopted by the Council, but eventually led to the European Commission drafting three separate directives on the free movement of persons in June 1989. In 1990, the Council adopted these directives on the free movement of students, pensioners and persons with sufficient means and full health insurance<sup>6</sup>.

Only later, during the Madrid Summit held on June 25-26, 1989, did the determination to introduce European citizenship become apparent. The leaders of the participating nations at the Madrid Summit acknowledged the European Community's failure in realizing a 'Europe of citizens.' Subsequently, following the Martin Report in February 1990, the European Parliament advocated for a precise articulation of the rights associated with European citizenship in the future Treaty on European Union. The Belgian Foreign Minister, Eysken, contributed a memorandum proposing the establishment of a standardized electoral process for European Parliament elections, along with the right for all EU citizens to vote in local elections. However, it was primarily Spain that pushed for the adoption of the new citizenship status at Maastricht<sup>7</sup>.

At the 1990-1991 Intergovernmental Conferences, the Spanish delegation with Prime Minister Felipe Gonzalez presented a proposal to es-

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<sup>6</sup> European Communities, *Council Directive 90/314/EEC of 13 June 1990 on Package Travel, Package Holidays, and Package Tours*, Luxembourg, 1990, accessed November, 15th, 2023: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A31990L0314>.

<sup>7</sup> Patricia, Mindus, *European Citizenship after Brexit*, London, Palgrave Macmillan Cham, 2018, p. 11.

establish a form of supranational citizenship and to incorporate the associated rights into the EU Treaty. In its proposal entitled "*The road to European citizenship*", the Spanish delegation stressed the need to confer citizenship of the European Union with specific rights and duties that are specific to the nature of the Union and are exercised and protected in a special way within its borders<sup>8</sup>.

Shortly before the Treaty was approved, at a special meeting of the European Council in Rome on 27 and 28 October 1990, a document was presented in which European citizenship was understood as complementary to national citizenship, as a status granted to those who already held the citizenship of a member state. After the new Spanish proposal of 21 February 1991, it began to be thought that the definition of the new status of European citizenship should be done by including a new title in the treaty that the member states had just concluded. Questions of citizenship would thus become European policy. The political will to establish a new status for citizens was undeniably present at the time, but it was not until the 1992 Treaty on European Union that it was expressed in a legally binding text<sup>9</sup>.

In addition to these political and legislative initiatives on European citizenship, the Court of Justice has also contributed significantly to the development of citizenship of the Union. The concept of European citizenship has been raised in case law. In May 1998, the Court decided its first case on European citizenship. Since then, the Court of Justice has played a key role in the development of EU citizenship. The rights laid down in the specific provisions for Union citizens now have their own meaning and interpretation based on the Court's case law, which is still developing<sup>10</sup>.

The introduction of European citizenship into the Treaty establishing the European Community in 1993 with its specific rights can be seen as a codification of a concept that has long been developing in the integration of Community (and EU) law. What happened at Maastricht marked a new stage in the process of creating an ever closer union between nations, in

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<sup>8</sup> Ibidem.

<sup>9</sup> European Council, *European Council Conclusions (1975-1992)*, Rome, 27-28 October 1990, accessed November, 16th, 2023: <https://www.consilium.europa.eu/en/european-council/conclusions/1992-1975/>.

<sup>10</sup> Patricia, Mindus, op. cit., pp. 14-16.

which decisions are taken as close to the citizen as possible. The Lisbon Treaty, too, enshrined that the process of creating an ever closer union between the peoples of Europe should continue.

Citizenship of the Union has an important place in the Treaty on European Union (articles 2, 3, 7 and 9-12). In the preamble, the member states show their “*determination to create a citizenship common to the nationals of their countries*” and in article 2 they propose to 'strengthen the protection of the rights and interests of nationals of the member states by introducing EU citizenship'. Thus, the institution of Union citizenship and the rights derived from it should serve the interests of the citizen, which corresponded to the new task of European integration - the creation of a “*united European Union as never before*”<sup>11</sup>.

The introduction of EU citizenship was intended both to protect the individual and to strengthen his or her rights of a political nature, and to give the EU a quasi-state character. It thus constituted a central element in the formation of a European identity, as well as a European political consciousness, while strengthening the democratic legitimacy of the EU.

Another important issue that arises in connection with the institution of Union citizenship is its impact on the scope of rights of citizens of the various member states. European legal literature emphasises that citizens of the member states, as a result of acquiring Union citizenship, do not reduce the scope of their rights in the national sphere, but, on the contrary, they become more equal and free, i.e. they receive additional rights, on an equal footing with citizens of other member states, since, as a result of the internationalisation process, the institution of citizenship reflects the integration not only of the states, but also of their peoples. Thanks to Union citizenship, they can enjoy a kind of “national treatment” on a reciprocal basis when they find themselves on the territory of other member states. As a result, Union citizenship is seen as complementary to the citizenship of member states<sup>12</sup>.

Over the years, we have witnessed the expansion, or development, of rights in two ways. From the outset, the EU citizen has been subject to a pro-

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<sup>11</sup> Treaty on European Union, signed at Maastricht on 7 February 1992, accessed on November, 16th, 2023: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A12012M%2FTXT>.

<sup>12</sup> Rik Van, Berkel, Michael, Roche, *European Citizenship and Social Exclusion*, London, Routledge, 1997, pp. 42-44.

cess of expansion of both the number of rights and the personal scope of the rights attached to him or her. In the original Treaty on EU, as drafted in 1993, the powers associated with European citizenship included the following<sup>13</sup>:

- the right to move and reside freely within the EU (and the right to work);
- electoral rights (active and passive) to the European Parliament in each member state;
- local electoral rights (active and passive) in the EU country where they reside, under the same conditions as nationals of that country;
- the right to consular protection abroad by any member state if there are no diplomatic or consular authorities in the citizen's country of origin;
- the right to petition the European Parliament;
- the right to petition the Ombudsman.

Subsequent treaties added further rights: The Amsterdam Treaty of 1997 added the right to address the EU in any official language and to receive a reply in the same language. The Nice Charter, or Charter of Fundamental Rights of the European Union, of 2000 added the right of access to European Parliament, Council and Commission documents and the right to good administration. This Charter, although authoritative, was not recognised as binding law until it was incorporated into the Lisbon Treaty in 2009<sup>14</sup>.

However, the main innovation that the Lisbon Treaty added to the list of powers related to Union citizenship was another: The European Citizens' Initiative (article 11 of the Treaty on European Union & article 24 of the Treaty on the Functioning of the European Union), whereby EU citizens, representing a transnational opinion, therefore present in several member states, can suggest to the Commission that it activate its legislative function on a given issue. In order to trigger a citizens' initiative, it is necessary that one million EU citizens from at least seven member states sign it.

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<sup>13</sup> European Parliament, *The citizens of the Union and their rights*, accessed on November, 18th, 2023: <https://www.europarl.europa.eu/factsheets/en/sheet/145/the-citizens-of-the-union-and-their-rights>.

<sup>14</sup> Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Communities, and certain related acts, signed at Nice on 26 February 2000, accessed November, 18th, 2023: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12001C/TXT>.

Once it is launched, the Commission can decide to make a legislative proposal on it.

Not only have the powers become more numerous, but they are also interpreted as covering a greater number of persons and situations. This is largely due to the work of the Court of Justice, which has often expanded the personal scope of the entitlement. In general, this jurisprudence has often taken on an avant-garde character, going beyond a purely economic-based conception of EU citizenship<sup>15</sup>.

### **Comprehensive analysis of legal and social dimensions**

The legal nature of citizenship of the European Union cannot be conventionally understood as a legal relationship between an individual and a state, giving rise to legal effects defined in the internal law of the state concerned and in international law, as well as to rights and duties common to all persons holding that citizenship, unless certain groups of them are granted a special status. It follows from the Treaty provisions that citizenship of the Union does not replace the citizenship of a member state and that the acquisition of EU citizenship status can only occur with the acquisition of citizenship of a member state in accordance with the provisions laid down by the national law of the state concerned. On this basis, it can be concluded that citizenship of the Union is accessory (additional) in nature in that it does not replace the citizenship of the member states, but merely complements it. It is therefore an ancillary element, a superstructure over and above the citizenship of the member states. This nature of citizenship also makes it entirely dependent on the possession of national citizenship<sup>16</sup>.

The second feature of EU citizenship, which is the dependence (derivation) of EU citizenship on the citizenship of the member states, therefore

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<sup>15</sup> Court of Justice of the European Union, accessed November, 19th, 2023: [https://european-union.europa.eu/institutions-law-budget/institutions-and-bodies/search-all-eu-institutions-and-bodies/court-justice-european-union-cjeu\\_en](https://european-union.europa.eu/institutions-law-budget/institutions-and-bodies/search-all-eu-institutions-and-bodies/court-justice-european-union-cjeu_en).

<sup>16</sup> Jacek, Barcik, Aleksandra, Wentkowska, *Pravo Unii Europejskiej po Traktacie z Lizbony*, Warsaw, Wydawnictwo C.H. Beck, 2011, p. 299.

follows from the above<sup>17</sup>. Thus, it is national citizenship that determines the possibility of establishing that the same individual holds EU citizenship. The reverse is not an option: it is not possible, independently of national citizenship (citizenship of an EU member state), to acquire EU citizenship which would result in the possibility of exercising certain rights vis-à-vis selected or all EU member states<sup>18</sup>.

The third feature identified in the literature is its dynamic nature, meaning that the rights it entails can be extended. This is provided for in article 25 of the Treaty on the Functioning of the European Union, under the terms of which the Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, may adopt provisions to supplement the rights listed in article 20 (2). These provisions shall enter into force upon their approval by the member states in accordance with their respective constitutional requirements. It should be noted that to date the Union has not exercised its powers in this regard<sup>19</sup>.

Another feature of EU citizenship is its supranationality, for the construction of EU citizenship indicates that it is not the basis for the establishment of a single community with the character of a nation at European level<sup>20</sup>.

Citizenship of the European Union is a special bond between the citizens of the member states and the European Union, from which certain rights and (theoretically) obligations derive, and which is not only symbolic in nature but also has a specific material content<sup>21</sup>. However, this special

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<sup>17</sup> Damian, Kiwior, *Instytucja obywatelstwa Unii Europejskiej*, p. 868, accessed October, 30th, 2023: <https://wspia.eu/media/lhodni3b/79-kiwior-damian.pdf>.

<sup>18</sup> Mariusz, Jabłoński, *Obywatelstwo RP i obywatelstwo UE na płaszczyźnie realizacji podstawowych obowiązków jednostki*, Wrocław, 2013, p. 197, cited in: A. Bator and others (ed.), *Współczesne koncepcje ochrony wolności i praw podstawowych*, Prawnicza i Ekonomiczna Biblioteka Cyfrowa, Wrocław, 2013, pp. 14-15.

<sup>19</sup> Adam, Łazowski, *Obywatelstwo Unii Europejskiej – uwagi teoretyczne i praktyczne w dziesięć lat po wejściu w życie Traktatu z Maastricht*, Kraków, 2008, p. 134, cited in: E. Piontek, A. Zawadzka (ed.), *Szkice z prawa Unii Europejskiej*, vol. I, Wydawnictwo Zakamycze, Kraków, 2003, p. 136.

<sup>20</sup> Dominika, Ewa, Harasimiuk, *Obywatelstwo UE – element tożsamości narodowej, europejskiej, czy jedynie dodatkowy status obywateli państw członkowskich?*, (2017), *Ius Novum*, No. 3, p. 124.

<sup>21</sup> Adam, Łazowski, op. cit., p.135.

bond is not a legal bond because, as the authors point out, Union citizenship is not supposed to create a legal bond between the individual and the Union itself, as he or she remains legally bound only to the country of citizenship<sup>22</sup>. The authors argue that EU citizenship is a bond:

- personal, between the Union and a specific individual;
- reciprocal - because it is based on a legal relationship that arises between a person belonging to a member state and the Union;
- apparent, as it is not important whether and what conditions a member state imposes in connection with the granting of its nationality - what is important is the classification of the person as a national of that state<sup>23</sup>.

EU citizenship thus has a paradoxical character: it is formally constituted in the Union within the treaty framework, but depends on national citizenship. Its fate remains closely linked to the broader question of the trajectory of European integration, as well as to changing perspectives on the nature of citizenship as a membership status. It is often emphasised in the doctrine that Union citizenship has all the time had more the character of an ongoing process than of a legal institution already finally formed. At the time when the institution of Union citizenship was introduced into the legal order of the then European Community, most representatives of the doctrine considered it to be a purely decorative and symbolic institution, devoid of any real meaning, shaped as an additional and secondary institution to national citizenship<sup>24</sup>.

Over time, however, as a result of Union legislation as well as the case-law of the Court of Justice, Union citizenship has in fact become a fundamental status that can be invoked by citizens of the member states in order to exercise the rights attributed to them by the Treaties.

Citizenship of the European Union is also defined and often analysed in terms of the powers and potential obligations it confers on the beneficiaries of this status. Understood in this way, citizenship becomes a secondary

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<sup>22</sup> Magdalena, Gniadzika, *Ewolucja statusu obywateli Unii wobec państwa przyjmującego i państwa pochodzenia w świetle orzecznictwa Trybunału Sprawiedliwości Unii Europejskiej*, Warsaw, Wydawnictwo C.H. Beck, 2018, p. 5.

<sup>23</sup> Mariusz, Jabłoński, op. cit., p. 198.

<sup>24</sup> Magdalena, Gniadzika, op. cit., p. 14.

phenomenon of how Europe is or can be constituted according to certain analytical typologies or ideal conceptions of capitalism, socialism and democracy.

Article 20 of the Treaty on the Functioning of the European Union indicates that citizens of the Union enjoy rights. An examination of specific articles of the Treaty shows that the first of these is the right to move and reside freely within the territory of the member states<sup>25</sup>. In April 2004 Union adopted a Directive on the right of citizens of the Union to move and reside freely within the territory of the member states, which contains fragmented measures provided for in the complex set of rules that have so far governed this issue. The aim of the new measures is to enable Union citizens to exercise their right to move and reside freely within the territory of the member states, to reduce administrative formalities to a minimum, to introduce a more optimal determination of the status of family members and to limit the possibility of refusal of entry and termination of the right of residence. Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the European Union and their family members to move and reside freely within the territory of the member states unifies in a single act all legislation on the right of entry and residence of EU citizens, consisting of two regulations and nine directives. This simplification facilitates the exercise of rights not only for the general public, but also for government agencies. The Directive also aims to reduce to an absolute minimum the formalities that Union citizens and their families have to comply with in order to exercise their right of residence. All Union citizens have the right to enter another member state on the basis of an identity card or a valid passport. Under no circumstances may an entry or exit visa be required. Family members who do not hold the nationality of any member state have the same rights as the citizen they accompany.

The second entitlement is the right to vote and stand as a candidate (active and passive right) in elections to the European Parliament and in municipal elections in their member state of residence, under the same conditions as nationals of that state<sup>26</sup>. After 1993, the right to vote and stand

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<sup>25</sup> Article 21 of the Treaty on the Functioning of the European Union.

<sup>26</sup> Article 22 of the Treaty on the Functioning of the European Union.

as a candidate in European Parliament elections and municipal elections in any EU country should also be granted to citizens of other EU countries resident in that country<sup>27</sup>.

The third is the right to enjoy, in the territory of a third country in which the member state of which they are nationals is not represented, the diplomatic and consular protection of any other member state, on the same conditions as the nationals of that state<sup>28</sup>. In the European Union, there is a body of regulations and documents which provide that an EU citizen may, in the territory of a third country where the state of which he is a national is not represented, enjoy the protection of the diplomatic and consular institutions of any other EU member state which has such representation in that third country, under the same conditions as nationals of that state. The Treaty confers on citizens of the European Union outside its borders the right, in case of need, to enjoy the protection of the diplomatic and consular missions of any EU member state under the same conditions as the nationals of that state. This is not only a new but also a very specific attribute of single pan-European citizenship, which was first enshrined in European Communities legislation with the entry into force of the EU Treaty. It suffices to point out that this is diplomatic and consular protection for citizens of the European Union, which is provided by the member state and not by the European Union itself or, for example, the European Communities. Furthermore, the legality of normatively stating the possibility of benefiting from the diplomatic and consular protection of another state raises some doubts from the point of view of the norms of general international law<sup>29</sup>. It

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<sup>27</sup> Oliver, Garner, *The Existential Crisis of Citizenship of the European Union: The Argument for an Autonomous Status*, Cambridge, Cambridge University Press, 2018, p. 117.

<sup>28</sup> Article 23 of the Treaty on the Functioning of the European Union.

<sup>29</sup> European consular protection is largely based on cooperation between member states. The obligation for cooperation between Member States has a basis in the Treaty. European consular protection undoubtedly constitutes a mechanism designed to protect the interests of European Union citizens. In this context, it reinforces the perception of the institution of citizenship as a link between the individual and the State (in the case of the European Union, an international organisation), treated as a political community. This conception emphasises the entitlements derived from citizenship and the ties that bind individuals to each other. Citizenship expresses not so much an administrative relationship between the individual and the public authorities of a member state of the

is well known that the 1961 Vienna Convention on Diplomatic Relations does not provide for the possibility of providing diplomatic protection to foreigners at all. Furthermore, within the EU, in order to develop the concept of citizenship of the Union, bearing in mind that the introduction of Union-wide mechanisms to protect the rights of EU citizens in third countries would also contribute to strengthening the idea of European solidarity, and in order to provide additional benefits and genuine assistance to EU citizens abroad, the Council of the European Union adopted two decisions concerning consular assistance to EU citizens and the creation of a uniform travel document, in 1995 and 1996 respectively<sup>30</sup>.

The fourth entitlement is the right to petition the European Parliament, to apply to the European Ombudsman and to address the Union's institutions and advisory bodies in one of the languages of the Treaties and to receive a reply in the same language<sup>31</sup>. Any citizen residing in a member state of the EU who feels that his rights are being infringed in any area of activity has the right to petition Parliament. The petition can take the form of a complaint or a petition. Companies, societies and associations also have the right to petition Parliament. All petitions must concern EU action, the EU Treaties and Community legislation or refer to one of the EU institutions. Individuals can petition Parliament on matters of both a public nature, such as architecture, culture and the environment, and of a personal nature - pension rights and the like. The Parliamentary Committee on Petitions examines the petitions submitted and decides on further action.

All citizens, organisations and companies who feel that their rights are being violated by various EU institutions and agencies can turn to the European Ombudsman<sup>32</sup>. The Ombudsman's remit only concerns the ac-

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Union, but points to the obligations incumbent on member states to protect individual rights arising from the institution of citizenship.

<sup>30</sup> Decision 96/409/CFSP on the establishment of a temporary travel document, accessed November, 27th, 2023: <https://eur-lex.europa.eu/legal-content/PL/TXT/HTML/?uri=LEGISSUM:l14010b&from=PL>.

<sup>31</sup> Article 24 of the Treaty on the Functioning of the European Union.

<sup>32</sup> The office of the European Ombudsman is located in Strasbourg. It currently employs nearly 90 staff, most of whom are lawyers and multilingual, to ensure that applications are handled efficiently in all 24 official EU languages. Every year, the commissioner reports to the European Parliament on the results of all investigations conducted during

tions of the various departments of the EU administration and their compliance with European law. Therefore, there is no point in turning to the Ombudsman with complaints against the authorities of individual countries - there are national ombudsmen, local and international courts<sup>33</sup>. When investigating complaints, the Ombudsman has the right to request the necessary documents and to hear witnesses. If he establishes the facts of violations of European law, errors in the procedures and mechanisms of the various European instances, he informs them. As a last resort, in cases where his instructions are ignored or not properly implemented, he submits an extraordinary report on the case in question. The Ombudsman does not have the power to impose any sanctions himself. Most complaints concern the work of the European Commission, but the European Parliament also receives its share of criticism. Most of it concerns the lack of transparency in the paper of the European structures or the refusal to provide necessary information<sup>34</sup>. The European Ombudsman does not have the power to take legally binding decisions and the European Code of Conduct for Good Administrative Behaviour is not a legally binding instrument. However, some of its elements overlap with the fundamental rights of good administration set out in article 41 of the Charter of Fundamental Rights of the European Union. When the Lisbon Treaty entered into force on 1 December 2009, from the point of view of European law the Charter of Fundamental Rights and the Treaty had the same value. This means that everyone has the right to good administration in the EU institutions<sup>35</sup>.

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the year. Most complaints are processed within a year, but the first response is provided to the complainant as soon as possible. According to statistics, EU residents have the most complaints about the activities of the European Commission — 58.2% of all appeals in 2018. Since 2011, Spain has been the leader in the number of applications submitted, followed by Germany, Great Britain, Poland and Belgium. The Ombudsman receives more than 3000 complaints and petitions per year.

<sup>33</sup> European Ombudsman Institute, accessed November, 29th, 2023: <http://www.eoi.at/>.

<sup>34</sup> European Ombudsman, accessed November, 29th, 2023: [https://europa.eu/european-union/about-eu/institutions-bodies/european-ombudsman\\_pl](https://europa.eu/european-union/about-eu/institutions-bodies/european-ombudsman_pl).

<sup>35</sup> The European Code of Good Administrative Behaviour, accessed on November 29th, 2023: [https://commission.europa.eu/about-european-commission/service-standards-and-principles/ethics-and-good-administration/good-administration/code-good-administrative-behaviour-and-complaints\\_en](https://commission.europa.eu/about-european-commission/service-standards-and-principles/ethics-and-good-administration/good-administration/code-good-administrative-behaviour-and-complaints_en).

What is important is that obligations governed by the law of EU member states are subject to review from the point of view of compliance of national law with EU law. In practice, this is reflected in the fact that e.g. a Polish citizen may not only challenge, within the framework of a body applying the law in Poland (e.g. a court or an administrative authority), a provision of a statute remaining in conflict with the EU law, but may also accuse the Polish Constitution of being in conflict with specific EU regulations<sup>36</sup>.

EU citizenship is a unique institution that is particularly important for the development of integration in the EU. The EU is currently on a path of extending its influence to surrounding countries in the region, but further integration is impossible without the creation of an EU law covering all persons residing in EU member states. The basis of such legislation is the institution of citizenship, which is already referred to in foreign literature and case law as the principle of nationality. Nowadays, this principle is referred to in the practice of the European courts when resolving issues related to freedom of movement and other rights that constitute the essence and nature of citizenship. The introduction of EU citizenship is significant not only for the European Union itself but also for the academic community dealing with citizenship issues. Today, it is possible to speak of the emergence, alongside nationality and multinationality, of another type of citizenship - the citizenship of the integration subject.

As regards the social dimension of European citizenship, it should be noted that the protection of fundamental rights is not only relevant in the context of European citizenship, as fundamental rights should be protected regardless of citizenship status. The protection of fundamental rights does not depend on the nationality and status of the individual, as fundamental rights must be universally guaranteed to individuals. It may be feared that linking Union citizenship to fundamental rights would exclude the protection of fundamental rights for individuals who are not Union citizens. However, most fundamental rights are universally guaranteed even if there were such a link. Linking European citizenship to fundamental rights does

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<sup>36</sup> Bogusław, Banaszak, *„Zasada nadrzędności Konstytucji w polskim porządku prawnym”*, E-Publishing, Legal and Economic Digital Library, Faculty of Law, Administration, and Economics, University of Wrocław, Wrocław, 2015, p. 12.

not mean that the fundamental rights of third-country nationals would be compromised. On the contrary, certain fundamental rights may even be strengthened for third-country nationals on the basis of the protection of the fundamental rights of Union citizens. Fundamental rights shall be granted to third-country nationals when they reside in the territory of the Union or when Union law concerns them<sup>37</sup>.

The right to free movement is now codified in Directive 2004/38, which replaced three older directives on the matter and has a broader scope. The Directive guarantees Union citizens who migrate within the European Union the right to enter and leave member states without a visa or equivalent formalities. In this sense, member states cannot restrict the freedom of movement of their citizens to leave their member states without a legitimate reason. This right of exit and entry can be seen as a minimum requirement for the exercise of the right to free movement. When exit or entry into member states is restricted, the effectiveness of the right to free movement is lost. According to the structure of Directive 2004/38, the higher the degree of integration in a member state, the narrower the grounds for expulsion become, based on the integration model. Article 29 provides a specific ground for derogation from the freedom of movement of Union citizens: when public health is at risk<sup>38</sup>.

The right to free movement is strongly correlated with the right to reside in another member state and is governed by the same Directive 2004/38. This right is based on the stages of integration. During the first three months, any European citizen may reside in the territory of another member state without any conditions or restrictions. After these three months, the Union citizen must fulfil additional conditions. The European citizen must not become a burden on the host member state's finances and must

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<sup>37</sup> Dimitry, Kochenov, EU Citizenship and Withdrawals from the Union: How Inevitable Is the Radical Downgrading of Rights, "Europe in Question" Discussion Paper Series, 2016, No. 111, p. 75.

<sup>38</sup> Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (Official Journal of the European Union, L 158, 30.4.2004), accessed November, 29th, 2023: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004L0038>.

have full sickness insurance and sufficient resources after three months' residence in the host member state. However, the right to reside in another member state cannot be automatically denied when a European citizen applies for social benefits. After five years of residence, Union citizens are granted the right of permanent residence in the host member state<sup>39</sup>.

The right to reside in the territory of the member states, like the right to move freely, is recognised as the essence of EU citizenship, as also indicated by the case law of the Court of Justice of the European Union. Generally, until 2011, the jurisprudence of the Court of Justice of the European Union was based on the concept of the need to demonstrate a connection with freedom of movement - if only by potentially impeding it. 2011 was a key year in this regard, when the Court's new line of jurisprudence crystallised. Of fundamental importance here was the Ruiz Zambrano case. This case decided in March 2011, led to a significant expansion of the scope of European Union law in the area of European citizenship<sup>40</sup>.

Political rights and citizenship are naturally linked. Indeed, political rights provide citizens with the opportunity to participate in politics, i.e. to participate in the way the state is governed. One obvious category of rights that supports this political participation of citizens is electoral rights. Electoral rights, i.e. the right to vote as well as the right to stand as a candidate, are citizenship rights par excellence, as they empower citizens to participate in shaping the policies of the state in which they live. Firstly, these citizens' electoral rights constitute a mechanism for the representation of citizens and their demands. Secondly, these rights regulate and ensure the participation of citizens in the election of those in power. Thirdly, through electoral rights the political accountability of decision-making bodies to citizens is regulated thus giving them the possibility to dismiss those in pow-

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<sup>39</sup> Judgment of the Court (Grand Chamber) of November 11, 2014, Elisabeta Dano and Florin Dano v. Jobcenter Leipzig. Request for a preliminary ruling from the Sozialgericht Leipzig. Case C-333/13, accessed November, 29th, 2023: <https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=CELEX:62013CJ0333>.

<sup>40</sup> Pietro, Palumbo, *European Citizenship and Fundamental rights: The Zambrano Case*, King's College London, accessed November, 29th, 2023: <https://blogs.kcl.ac.uk/kslr/2012/01/04/the-zambrano-case/>.

er. Finally, electoral rights legitimise decision-making powers because these powers derive from citizens' rights to govern their lives<sup>41</sup>.

Political rights in relation to EU citizens are to be considered as those rights that bring Union citizens into the public arena of the European Union, giving them the opportunity to influence or react to decisions or actions that affect their daily lives. Therefore, the political rights of European citizens are one of the important pillars of European Union citizenship.

The most obvious political rights of citizens of the Union are electoral rights. Furthermore, the citizens' initiative introduced by article 11 (4) Treaty on European Union is the expression of a new political right for European citizens. Union citizens also have the right to vote and stand as candidates in municipal elections in other member states, under the same conditions as citizens of the host member state. Importantly, in order to make this possible, individual countries had to adapt the conditions for local elections by amending their national laws. Greece, for example, had to do this because its electoral law entitled only people who spoke Greek to vote. In France, this led to a decision by the *Conseil constitutionnel* that the French constitution had to be amended to allow citizens of other member states to exercise their electoral rights. In the same way, the German constitution had to be amended to extend the subjective scope of electoral rights to citizens of other states<sup>42</sup>. In general, prior to the Treaty on European Union, only three member states granted voting rights to non-nationals: Denmark, Ireland and the Netherlands<sup>43</sup>.

The link between European citizenship and political rights in the context of electoral rights at local government level is obvious: The Union strengthens democratic ties between non-national EU citizens and their host member state. The right to vote and stand for election in local elections

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<sup>41</sup> Dimitry, Kochenov, Sarah, Gant, *EU Lawlessness Law: Europe's Passport Apartheid from Indifference to Torture and Killing*, NYU School of Law, New York, 2022, p. 23.

<sup>42</sup> Claudia, Delpero, *EXPLAINED: Where in Europe can non-EU foreigners vote in local elections?*, The Local Europe AB, accessed November, 30th, 2023: <https://www.thelocal.com/20220218/explained-where-in-europe-can-non-eu-foreigners-vote-in-local-elections>.

<sup>43</sup> Currently, citizens of Cyprus, Denmark, Germany, Ireland, and Malta do not have the right to vote in national elections if they live elsewhere in the EU. The restrictions were introduced by member states based on the assumption that political decisions made in the country of origin do not affect emigrants.

for European citizens in other member states derives directly from Union law. The European Union is a kind of political nexus between a Union citizen and the politics of another, host member state.

From the perspective of the European Union as a system consisting of the European Union and the constitutional structures of the member states, electoral rights granted by EU law but exercised by the legal orders of the member states contribute to a more democratic understanding of EU citizenship. EU citizenship, in turn, affects member states' electoral systems. Political participation at municipal as well as European level can foster a sense of belonging at both transnational and sub-national level, in member states other than the one of which one is a citizen, and thus further undermine national identity as a core political identity. In this sense, electoral rights enrich the political component of EU citizenship and the democratic legitimacy of legislation at EU or local level<sup>44</sup>.

Another political right is the right to complain to the European Ombudsman. This institution was set up to strengthen the concept of European citizenship. The right to apply to the European Ombudsman is open to citizens of the Union, as well as to any natural person residing in a member state or any legal person having a registered office in the Union. This right is therefore not directly linked to Union citizenship, but is also granted on the basis of residence in the European Union.

One of the another right of EU citizens is the right to petition the European Parliament on matters falling within the scope of Union activity. The right to petition the European Parliament can be seen as a valuable instrument through which those affected by Union law can exert some pressure on the European Commission. However, it is not a ground-breaking instrument in terms of practical impact. Another important political right of citizens of the Union is the right to submit an initiative on European legisla-

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<sup>44</sup> Samantha, Besson, André, Utzinger, *Towards European Citizenship*, Journal of Social Philosophy, 2008, No. 2, p. 195.

tion to the European Commission. As indicated, this right is relatively new and constitutes a form of direct democracy<sup>45</sup>.

As can be seen, EU citizenship is still more in the nature of an ongoing process than an already definitively formed legal institution. The European Union has become a new kind of political community, based on a permanent plurality of its peoples, or *demoi*. It is more than a particularly strong version of a confederation of sovereign states, since its peoples are directly linked politically and not only through the interests of their leaders. To the extent that these peoples are organised into states, these states should continue to be at the centre of the European construction, i.e. the EU is and should continue to be a democracy in the making, subordinate to the governments of its peoples. This European democracy is one of the most innovative political machines ever invented to create and manage economic and democratic interdependence.

## Conclusion

The paper described the institution of citizenship of the European Union with regard to its legal and social dimensions. On the basis of the paper, it can be concluded that the introduction of common European citizenship is the result of a gradual and deliberate action that was carried out in the process of European integration during the creation of the European Communities and the European Union in particular. Citizenship itself, on the other hand, is an important example of European identity and an important subject of theoretical research.

In reflecting on the legal nature of EU citizenship, it should be made clear that it cannot be viewed from a traditional optic. From a legal point of view, citizenship of the Union has an accessory (additional) character in that it does not replace the citizenship of the member states, but only complements it, and is therefore entirely dependent on the possession of na-

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<sup>45</sup> Nikos, Vogiatzis, *The Past and Future of the Right to Petition the European Parliament*, Yearbook of European Law, 2021, No. 40, p. 84.

tional citizenship. EU citizenship is also dynamic in nature, meaning that the rights attached to it can be extended. It is also a transnational construct.

The social nature of European citizenship illustrates its practical dimension, while also showing how the institution is evolving. Undoubtedly, the jurisprudence of the Treaty on the Functioning of the European Union has played and continues to play a key role. EU citizenship is correlated with social and political rights. With regard to the former, EU law grants EU citizens equal access to social rights in accordance with the national welfare system (although the conditions for the enjoyment of benefits are a national matter). In terms of political rights, on the other hand, the link with EU citizenship is analogous to that of social rights: a citizen of the Union may participate in elections on the basis of Union law within the legal system of the member state concerned, under the conditions laid down for citizens of that member state. Thus, the European Union constitutes a kind of political knot between a citizen of the Union and the politics of another member state. It should be emphasised that in the future, it is political rights that may provide the impetus for the development of European citizenship. We can conclude that EU citizenship significantly affects the functioning of citizens of the member states.

In concluding reflections, it is important to point out that there are still obstacles before we can speak of a real, fully-fledged constitutional and fundamental status for citizens of the Union. The fact that a large proportion of the citizens of the member states do not feel connected to the European project is just one of the important issues that remain unresolved at present and are likely to remain problematic. According to the European Commission's report on European citizenship, there is a lack of knowledge and awareness among the citizens of the member states about the entitlements that come with it. Of all European citizens, only a small percentage exercise their rights as citizens of the Union and are familiar with the rights attached to the status of European citizen.

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# AFGHANISTAN AFTER 2 YEARS SINCE THE RETURN OF THE TALIBAN IN THE ERA OF HUMAN RIGHTS

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**ABSTRACT:** This article starts with the presentation of the main years in the history of Afghanistan – one of the poorest countries in the world situated in the “heart” of Asia. Many empires have tried to conquer this land, but the natives were fighting to be independent. The Arab empire played an important role because it brought the Islam that is still the main religion of this country. Muhammad Zahir Shah -the last King of Afghanistan- started ruling with the country when he was only 19 years old. However, during his whole government he has reached the unimaginable – to maintain the peace for four decades.

At the end of December 1979 started the longest war in the history of the Union of Soviet Socialist Republics (USSR) which lasted in February 1989. Later on, have started internal conflicts.

After the attacks on September 11, 2001, the United States of America (USA) had initiated a big campaign against terrorism. George Walker Bush strongly put an eye on Afghanistan: a priority for him was Osama bin Laden, considered the organizer of these attacks. Because the Afghans refused to extradite Bin Laden, in October 2001, the USA invaded Afghanistan. Further is shown other possible real reason of entering the country, namely the enormous natural resources of Afghanistan.

When the USA “fled” Afghanistan after almost 20 years, the Taliban returned and started to impose strict rules, especially for women and girls that could be considered horrible – a real calvary in the era of human rights.

*Keywords: invasions, natural resources, Taliban, women, disaster, hope.*

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## Introduction

I am a citizen of the Republic of Moldova, with Moldovan mother but with Afghan father. This topic is very important to me because the situation in Afghanistan looks like a catastrophe. For this article I used the available sources on Internet and, of course, the discussions with my father – who personally was the witness of the Soviet-Afghan War, while being a teenager.

As all the states in the world, Afghanistan has its own history, with wars, conflicts and fights for the territory. In the main text will be explained the conquests of this land by well known empires, the forty years leadership of the last King of Afghanistan, the USSR and the USA invasions, and the return of the Taliban to the power.

You will have the chance to meet virtually the situation of the women and girls in Afghanistan nowadays and the punishments that they can receive if will be disobedient according to the Sharia rule.

Globally, from 170 countries Afghanistan ranks on the last place for women's inclusion, security, and justice. Millions of women, children and men live below the poverty line and suffer from hunger. Their lives equal to a great daily suffering.

## Discovering Afghanistan

The Islamic Emirate of Afghanistan is situated at the crossroads of Central and South Asia, also known as the Heart of Asia, bordering with Pakistan, Iran, Turkmenistan, Uzbekistan, Tajikistan, and China. The country is predominantly mountainous. The most recognized (and biggest at the same time) cities of the country are Kabul -the capital-, Herat, Mazar-i-Sharif, Kandahar, and Jalalabad.

“Dari Persian is spoken by 78% (...), while Pashto is spoken by 50%, Uzbek 10%, English 5%, Turkmen 2%, Urdu 2%, Pashayi 1%, Nuristani 1%, Arabic 1%, and Balochi 1% (2021 est). Data represent the most widely spoken languages; shares sum to more than 100% because there is much bilin-

gualism in the country and because respondents were allowed to select more than one language”<sup>2</sup>.

“The total land area is 652,860 km<sup>2</sup>. The current population of Afghanistan is 42,843,378”<sup>3</sup> and almost 100% Muslims (with a Sunni majority and Shia minority).

Afghanistan has a rich and diverse culture formed over centuries. The music has Persian, Pakistani, and Indian influences. The *Palaul Kabuli* is recognized as the national dish, and the national drink *Doogh* is made from water, yogurt, and mint. The top three sports are: *cricket*, *football*, and *basketball*. All over the world are known the *traditional Afghan carpets*, being awarded at international level.

## The return of the Taliban – the collapse of Afghan dreams

From my point of view the USA mission can be considered as being fully failed, with billions of invested dollars in the fake war against terrorism.

Mohammad Ashraf Ghani Ahmadzai was the President of Afghanistan when the Taliban staged the coup on August 15, 2021. He “received a PhD degree in Philosophy from Columbia University, specializing in Anthropology. He lectured at Kabul University, Denmark, California, and Johns Hopkins University (USA)”<sup>4</sup>.

Fatima Gailani (the holder of a Master’s degree in Islamic studies and jurisprudence at *The Muslim College in London*) is the daughter of one of the leaders of the Afghan mujahedin who fought against USSR. She has shared with the Deutsche Welle her opinion on the behavior of Ashraf Ghani: “Certainly there are several chains of guilt for what has happened in Afghanistan over the past four decades of war and violence. But this latest chaotic situation, this collapse, can only be attributed to him. This man be-

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<sup>2</sup> Wikipedia, The Free Encyclopedia, *Afghanistan*, available online: <https://en.wikipedia.org/wiki/Afghanistan>, accessed on 02.01.2024.

<sup>3</sup> United Nations, Department of Economic and Social Affairs, Population Division, Worldometer, *Afghanistan Population (LIVE)*, available online: <https://www.worldometers.info/world-population/afghanistan-population/>, accessed on 14.01.2024.

<sup>4</sup> Г.П. Ежов, *Афганистан. Краткий Биографический Справочник*, Издательский дом «Ключ С», Москва, 2002 г., p. 80.

trayed his country. He betrayed close people. He could have waited, leaving the country in an orderly fashion, and the transfer of power would have taken place. What he has done is absolutely shameful”<sup>5</sup>.

Joe Biden stated that the Afghan army basically gave up without any fight, all this after tens of billions of dollars have been spent by Washington on training and equipping it.

“According to *Afghanistan Papers* project, of the publication *The Washington Post*, out of the 352,000 soldiers and police in the Afghan security forces, only 254,000 could be confirmed by the former government.

The commanders practically created *ghost soldiers* to increase their salary receipts and, moreover, did not pay the real soldiers properly or deliver the necessary supplies”<sup>6</sup>.

Hibatullah Akhundzada joined the Taliban in 1994, started to lead it since 2016 and in 5 years the whole Afghanistan, as victory against the government and the USA escapade after around two decades.

The Taliban have a very big plus: they are united by militant Islamist ideology and, since 2001, they have lived with the idea that they will do everything possible to drive out the foreigners who invaded their country.

When we pronounce Taliban, we can imagine men with weapons, but Akhundzada has not a militant background. He is oriented to the Sharia, by imposing a totalitarian Islamic government. It is not surprising his close and warm love to religion, as his father was Imam at a mosque. Akhundzada prefers to call by landlines and is communicating with his officials via letters. He is not living in the Presidential Palace in Kabul but in a rental house and is ruling the country from Kandahar – his place of origin.

Sharia law is focusing on physical, spiritual, and mental behavior that must be followed and categorizes all the “acts into five distinct categories: obligatory, recommended, permitted, discouraged, and forbidden”<sup>7</sup>.

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<sup>5</sup> Petersmann, Sandra, Deutsche Welle, *Ashraf Ghani este un trădător național*, available online: <https://www.dw.com/ro/afghanistan-o-activist%C4%83-furioas%C4%83-%C3%AEi-acuz%C4%83-pe-ashraf-ghani-%C8%99i-joe-biden/a-59000973>, accessed on 03.01.2024.

<sup>6</sup> Shams, Shamil, Deutsche Welle, *De ce nu a opus armata afgană rezistență talibanilor*, available online: <https://www.dw.com/ro/de-ce-nu-a-opus-armata-afgan%C4%83-rezisten%C8%9B%C4%83-talibanilor/a-58894599>, accessed on 03.01.2024.

In 2022 Akhundzada had the toupee to push the world in recognising the Taliban government. There have been made two unsuccessfully soldered assassination attempts against him: in 2012 during a lecture and in 2019 during the Friday prayer (both in Quetta, Pakistan).

A young Afghan lady who is the founder of a charity organization for women and children in Kabul (Maryam Marof Arwin) through a telephone conversation with Deutsche Welle, showed her impression regarding the situation in Afghanistan: “Honestly, I feel like I’m living a nightmare. It is hard to understand what we have been through in the last two years. (...) We have always known that if the Taliban come to power, we will lose everything we have acquired. 20 days before their return to power, we, women’s rights activists, and representatives of civil society, organized a press conference in Kabul, to draw again the attention of the international community to the situation in which we find ourselves. We said then: look at the territories that the Taliban already control and see how they violate women’s rights. But nobody wanted to listen to us”<sup>8</sup>.

In the very first days of August 2021 “it was decided to release political detainees from all prisons of Afghanistan. (...) On May 12, 2023, Akhundzada held a secret meeting with Qatari Prime Minister Mohammed bin Abdulrahman bin Jassim Al-Thani in Kandahar. It is the only time Akhundzada has ever met a foreign official”<sup>9</sup>.

While working on this article, I found some interesting information about the *Intercontinental Hotel*. It is situated in Kabul, with barriers for weapons handover (which will be reverted on leaving in case they do exist) and body search. The only lady that is working here is screening the female guests of the hotel. As in other hotels all over the world, there are 4 clocks with the time of Kabul, Dubai, London, and New York.

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<sup>7</sup> Corporate Finance Institute Team, Corporate Finance Institute, *Sharia Law*, available online: <https://corporatefinanceinstitute.com/resources/wealth-management/sharia-law/>, accessed on 05.01.2024.

<sup>8</sup> Von Hein, Shabnam, Deutsche Welle, *Afganistan: Doi ani de la revenirea la putere a talibanilor*, available online: <https://www.dw.com/ro/afganistan-doi-ani-de-la-revenirea-la-putere-a-talibanilor/a-66528550>, accessed on 03.01.2024.

<sup>9</sup> Wikipedia, The Free Encyclopedia, *Hibatullah Akhundzada*, available online: [https://en.wikipedia.org/wiki/Hibatullah\\_Akhundzada](https://en.wikipedia.org/wiki/Hibatullah_Akhundzada), accessed on 03.01.2024.

“The hotel does not accept credit cards, since Afghanistan is largely cut off from international banking. A guest arrives with a plastic bag full of cash”<sup>10</sup>.

As everybody knows, in Muslim countries, the weddings are very big, with hundreds of guests. Before Taliban returned, at the Intercontinental were taking place large weddings parties with two separated areas (for men and women). In the last two years, the music is forbidden to be played at weddings.

The foreign broadcasts, the presentation of female journalists' images without the Islamic veil and the use of mobile phones in universities are banned. Male civils can go to work if are wearing a turban or a full beard. The Taliban leader refused to allow the girls to return to school after the sixth grade.

Women who are not considered too young or too old should cover their face with a *veil*, except their eyes, as Sharia recommends it in order to avoid any kind of challenge when meeting a man. Also, the women should wear *moral clothes*, if not, their husbands will be punished by prison and/or fired from the workplace. The corporal punishments (stoning, flogging, amputation) started to resume since autumn 2022. The Taliban are strongly recommending as a best option for a *hijab* the *blue chadri* as in the first domination of the Taliban.

An Afghan lady (who introduces herself as Lena) shared with France24: “Since the announcement of the Taliban, I have always worn the blue chadri. Before, I wore a veil on my head and a long coat, like many other young women. Now if I do not wear chadri I will have to stay at home which is not an option. I want to walk in the streets and parks, I want to see my friends, this is probably the last chance we have as women in Afghanistan to have fun”<sup>11</sup>.

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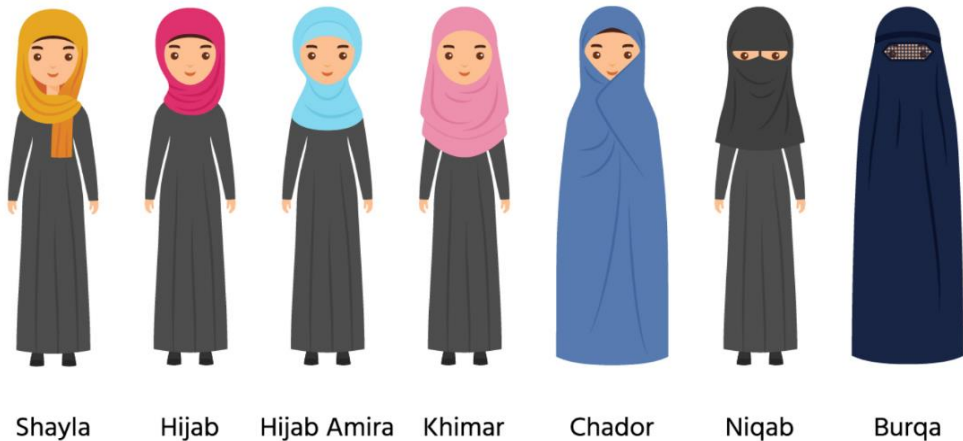
<sup>10</sup> The Guardian Weekly, A week in the life of the world (27 October 2023), Global edition, Vol. 209, No. 17, Andreas Babst, *Once the site of legendary parties, the Intercontinental in Kabul is still a potent symbol of who rules Afghanistan – and what its future might hold*, p. 37.

<sup>11</sup> Radio France Internationale România, *Afganistan: După revenirea burqa, femeile dispar treptat din spațiile publice*, available online: <https://www.rfi.ro/social-145759-afganistan-revenire-burqa-femei-dispar-treptat-spatii-publice>, accessed on 05.01.2024.

After this decree the women started to disappear from the public spaces, as markets or parks. If you are a woman in Afghanistan, you are in safe while wearing a *chadri*.

Even if the activists dared to protest on the roads of the capital, in an end nothing changed. Lucky those women who had the chance to leave Afghanistan. Zila would have accept to wear the *burqa* if women will be allowed to work and study. As mentioned before, the girls are allowed to go to school maximum till 13 years old. Basically, women and girls stay at home and do not get out on the streets. For young generation is harder to follow these rules, which stipulate that women must stay home, except urgent cases.

Let me briefly explain the difference between the most common Islamic Veils.



**Picture 1.** Types of Islamic Veils<sup>12</sup>

- ✓ **Shayla** worn by some Muslim women in the presence of any male outside of their immediate family.
- ✓ **Hijab** refers to a headscarf, wrapped around the head, covering the hair, neck, and ears, but with visible face.
- ✓ **Hijab Amira** is considered great for those women and girls who are introducing the veil into their life, as it is versatile and comfortable.
- ✓ **Khimar** covers the head and the upper part of the body.

<sup>12</sup> IstiZada, *Veiling trends for Muslim Women*, available online: <https://istizada.com/muslim-veil-and-hijab-types-a-complete-guide/>, accessed on 05.01.2024.

- ✓ **Chador** is a garment pulled over the head, being held closed at the front by women.
- ✓ **Niqab** is covering the face, except the eyes.
- ✓ **Burqa** (also known as **Paranja**) covers the body and the face from the top of the head to the ground, with a small mesh screen which allows the woman to see what is in front of her.

So, these are the 7 most often encountered types of Islamic veils with different degrees of coverage, in Afghanistan is imposed the last type - *burqa*- which is usually named in this country *chador*, even if the Taliban told that the regime will not be so rigid as it was the first time, however, the rules are tightening.

Mohammad Sadeq Akif Muhajir, the Spokesman for the above-mentioned Ministry confirmed that “Women traveling more than 45 miles (72 kilometers) can only leave accompanied by a male family member”<sup>13</sup>. The beauty salons -considered by Afghan women as a safe place- have been closed during the first month after the Taliban return. Some of these salons were owned by women, which helped them to gain some money.

Here are the two different opinions on the same situation:

Habitullah Akhundzada – the Taliban superior leader	<b>Versus</b>	Richard Bennett – Special Rapporteur on Afghanistan
Considers that Afghan women have a free and dignified life and all the taken measures are done to guarantee them a comfortable and prosperous life, as Sharia requires.		Described the situation of Afghan women (in a report presented to the United Nations Human Rights Council) as one of the worst in the world, with systematic discrimination.

Paradoxically, but I found some positive decrees that need to be mentioned here, as follows:

- the security forces should avoid hiring and deploying minors;
- the opium cultivation should be banned;
- the order and transportation of other narcotics should be banned;

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<sup>13</sup> Radio France Internationale România, *Afganistan: “Ministerul pentru promovarea virtuții și prevenirii viciului” – noi restricții impuse femeilor*, available online: <https://www.rfi.ro/politica-141126-afganistan-ce-mai-decis-ministerul-pentru-promovarea-virtutii-si-prevenirii-viciului>, accessed on 05.01.2024.

- as the religion (Islam) is the most important in the life of Akhundzada, we can see that it was issued a decree under Sharia, according to which women have the right to marital consent, cannot be treated as property, including widows are allowed to get married again.

In 2022 the European Union facilitated the Afghan Women Leaders Forum. It was composed from inside and outside Afghanistan politics, activists, journalists, lawyers, entrepreneurs, etc. women.


Some statistics of the forum:

- was launched in March 2022 with almost 50 Afghan women;
- the second meeting was held in May 2022 with almost 60 Afghan women;
- in November 2022 took place the third meeting with almost 60 Afghan women;
- after one year, in November 2023 took place a new meeting with the Afghan Women Leaders evacuated in Greece.

Summarizing the platforms' discussed topics by the participants, we can conclude that there were raised their views and great concerns regarding the governance, the narrowing of the human rights, especially of women and girls, economic and humanitarian situation, with an accent on the challenges and opportunities which can differ from area to area.

After a collapsed Afghanistan, all the Afghan women who had the chance to leave their homeland and own a profession are looking to improve their knowledge and to find a job in the host country – with peace, no abuse and respect.

Were presented personal testimonies of the survivors of the violent conflicts, being highlighted the unimaginable suffering of many women and girls, but with an unwavering hope of a better future.

	<p>“We will rise again, we cannot afford to lose hope”<sup>14</sup>.</p>
<p>Shahrzad Koofi, daughter of Fawzia Koofi, the first female deputy speaker of the Afghan Parliament</p>	

<sup>14</sup> Consiliul European, Consiliul Uniunii Europene, *Afganistan: răspunsul UE la criză*, available online: <https://www.consiliium.europa.eu/ro/policies/afghanistan-eu-response/>, accessed on 05.01.2024.

## Conclusion

To me, this article is the most important text that I worked on in my whole life, as my father was born in Afghanistan. He comes from Meymaneh city (North-West): my grand-mother (Faridah) was an illiterate housewife but with big heart who grew 11 children, and my grand-father (Cher Mohammed) was a university rector – if you can feel a discrepancy after this phrase, it means that I managed to capture your attention.

My father (Ahmad Djavid) left Afghanistan when he was almost 18, almost 19 years old. It happened because he was the best pupil at school (actually, want to mention there were two best pupils: my dad and his best friend till nowadays – Khaled). At those times it was the Soviet Union and uncle Khlaed – as I call him- was sent to Kyiv (Ukraine), and my father to Chisinau (the Republic of Moldova). They met nice young ladies to whom they got married and both of them had only one kid: Dmytro – my all-life friend and me.

In summer 2024 it will be 40 years since my dad is living in the Republic of Moldova, which he considers as *his second homeland*. During this almost four decades he has visited Afghanistan only in 2005, 2008 and 2014. In his last visit he was persecuted and could die, this is the reason why he is not travelling to Afghanistan anymore. My mother has visited Afghanistan only once in 1990 staying in Mazar-i-Sharif but could not meet my father's family, except her father-in-law, as it was too dangerous to arrive to the house in Meymaneh. She had to cover herself with a veil in order to not face any issues. My grand-father visited the Republic of Moldova, but, unfortunately, I do not remember him, as was a baby, and my blood uncle (Sokhail) was here only once whom I remember just a bit, as was a 3-years old child.

My father knows all that happens in Afghanistan as is keeping in touch with his brothers and sisters. All my life, my parents were discussing about the problems related to Afghanistan but not in my presence, so to not traumatize me. But now, when I am an International Relations PhD stu-

dent, I should be aware of lots of issues that are happening in the world, with a special accent on my father's historical motherland.

My father witnessed the Soviet Afghan War which started when he was only 14. He still remembers the sound of the shooting guns and bombs, and how together with all the family members they were hiding in the basement, the wet pyjamas because they were sweating of fear, and the bodies of the deceased, laying on the ground, which were found next mornings near the gate of their house and all over the road till their school. Also, when my dad arrived at Chisinau, he was shocked that nobody is shooting, everywhere is silence and the only noise he could hear is the hustle and bustle of people walking through the streets.

The USSR army left Afghanistan on February 15, 1989. After this took place different internal conflicts -Mujahideen, Taliban- but the new millennium brought to the country the USA army. This was a consequence of the September 11, 2001, terrorist attacks. The whole world had changed, with additional strict security measures at the airports.

In October 2001, the USA entered on the territory of Afghanistan, as the Taliban refused the extradition of Osama bin Laden. According to Hamid Karzai -who became the President of Afghanistan after 2 months and half since the invasion of the USA- actually "Afghanistan has never been a sponsor of global terrorism, but a victim of global terror"<sup>15</sup>.

After reading lots of information, the real reason of the USA invasion could be, de facto, the existence of huge natural deposits of the Afghan underground, which can make this country to rise from the ashes.

If we move on the overthrow in the country and the Taliban rule since August 15, 2021, they have sought to gain recognition from the international community, including Western countries (the biggest donors), as millions of dollars in the Afghan banks have frozen, the banking situation being damaged.

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<sup>15</sup> Petersmann, Sandra, Deutsche Welle, *Talibanii trebuie să le permită fetelor să meargă la școală*, available online: <https://www.dw.com/ro/hamid-karzai-talibanii-trebuie-s%C4%83-le-permit%C4%83-fetelor-s%C4%83-mearg%C4%83-la-%C8%99coal%C4%83/a-62807560>, accessed on 05.01.2024.

The general result is that the Afghans feel abandoned. Afghanistan has a major percentage of its citizens living in poverty or even below this line. "According to the UN, nine out of 10 families cannot even afford enough to eat"<sup>16</sup>. Around 90% of the population is affected by poverty and malnutrition.

Despite the Forums of the Afghan Women Leaders (which are gathering online and offline women inside and outside Afghanistan) and the women's protests in the streets of Kabul with posters, the real situation is that there are lots of Taliban decrees infringing their rights: the girls are not allowed to attend school after the sixth grade, women were banned from work and visit the beauty salons, to dress in a different way than the imposed strict dress code, women and girls can leave their homes just in exceptional cases and only accompanied by a male from their family.

"According to the Georgetown Institute for Women, Peace and Security, globally, women in Afghanistan enjoy the fewest rights in the world, fewer than those in Syria and Yemen"<sup>17</sup>.

Just imagine that your jeans or mid-length skirt is immoral clothing and for that you are going to be punished according to the Sharia rules, meaning that you are going to be pelted with stones or flogged. If you are married, also your husband will pass through serious punishment. For this is responsible the Ministry for Promotion of Virtue and Prevention of Vice that can be considered as a synonym with *moral police*.

The men can go to work if they wear a turban or full beard. The rate of unemployment in the country is high. The Afghan television was requested to stop broadcasting series starring women.

The name of the actual leader of the Taliban *Hibatullah* from Arabic means *gift from God*. Perhaps he was a gift for his parents and for Taliban, but not for the Afghan citizens, being a religiously ultraconservative figure that is modelling his lead similar to the Taliban's founder. But the world is

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<sup>16</sup> The Guardian Weekly, A week in the life of the world (27 October 2023), Global edition, Vol. 209, No. 17, Andreas Babst, *Once the site of legendary parties, the Intercontinental in Kabul is still a potent symbol of who rules Afghanistan – and what its future might hold*, p. 36.

<sup>17</sup> Radio France Internationale România, *Afganistan: După revenirea burqa, femeile dispar treptat din spațiile publice*, available online: <https://www.rfi.ro/social-145759-afganistan-revenire-burqa-femei-dispar-treptat-spatii-publice>, accessed on 05.01.2024.

changing, the life must improve and develop, the children should achieve something when they will grow up.

To me as a European-minded person, these rules to be followed seem anomalous in the **era of human rights**.

Today, more than ever, the holders of the Anthem “Dā Də Bātorāno Kor” (*This Is the Home of the Brave*), unfortunately, are living in a continuous scare but with an indescribable hope that once will be better. And today, more than ever -while ending to write this article- I feel a lucky human being who is living her life as she wants (left-side picture: my mother Ecaterina and me) but could have the destiny of the women from the right-side picture!



**Picture 2.** Personal folder of the family Paknehad



**Picture 3.** Taliban’s Latest Statement Necessitates Women to Wear Burqa in Public<sup>18</sup>

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<sup>18</sup> Eqbal, Saqalain, The Khaama Press News Agency, *Taliban’s Latest Statement Necessitates Women to Wear Burqa in Public*, available online: <https://www.khaama.com/talibans-latest-statement-necessitates-women-to-wear-burqa-in-public87539/>, accessed on 05.01.2024.

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# RETHINKING REFUGEE CATEGORIES – COMPARATIVE ANALYSIS OF GENDER AS THE SIXTH REFUGEE CATEGORY

Claudia MĂRCULESCU<sup>1</sup>

**ABSTRACT:** The refugee is a person whose status is both simple and complex. Restricting persecution to the existing five categories fails to account for other potential reasons that might force someone to leave their homeland and seek refuge elsewhere. The legislative framework recognizing refugee status and associated rights in the host country was intended to encompass all conceivable situations that might prompt someone to seek refuge. However, events since the 1951 adoption of the Geneva Convention have shown the need to adapt this regulation, as not all scenarios were initially foreseen.

This chapter aims to advocate for the adoption of a sixth category of refugees, particularly in light of the situation faced by women in Afghanistan. The work is structured into two major sections. In the first part, I will provide definitions for the terms “refugee,” “gender,” and “persecution,” along with a concise overview of the existing five refugee categories. The second part will focus on the situation of women in Afghanistan, covering two periods: 2001–2021, leading to the re-establishment of the Taliban regime, and post-2021, marked by a drastic shift in women’s conditions.

Data for this study were gathered from various sources, including documents, articles, official websites, and specialized magazines. The analysis methodology employed is document analysis.

*Keywords: migration, refugees, gender, refugee women*

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## Introduction

A refugee is both a simple and a complex figure. Restricting persecution to the five existing categories eliminates other possibilities due to which a person leaves his motherland and seeks shelter in another state. When constructing the legislative framework recognizing refugee status and the rights it can benefit from in the host country, it was believed that all possible situations that might prompt such a move were covered. However, events since the adoption of the Geneva Convention in 1951 have shown that an adaptation of this regulation is necessary, since not all situations have been taken into account.

Gender-based refugees cannot be easily categorized because classifications like religion, nationality, or race are often added to this group. But when we look at the situation of refugee women in Afghanistan, we realize that they do not fit into any of the refugee categories defined by the Convention. It is therefore necessary to update the refugee categories in order to also frame these people, who are objectively persecuted because of their gender.

In this paper, I intend to present the need for the adoption of the sixth category of refugees, in the light of the presentation of the situation of women in Afghanistan.

The paper is divided into two main sections. In the first part I will present the definitions of the term “refugee”, “gender” and “persecution”. I will also provide a summary of the five refugee categories. In the second part, I will present the situation of women in Afghanistan, after 2001 and up to the present. This period falls into two stages: from 2001 to 2021, until the establishment of the Taliban regime and after 2021, when the situation of women changed drastically.

The data for this work were collected from documents, articles, official websites, and specialized magazines. The analysis used is document analysis.

The paper concludes with the conclusions and the bibliography.

## Definition, concepts

### *Refugee - definition*

The term “refugee” originates from the “Peace of Westphalia,” specifically under the term “jus emigrandi” (the right to emigrate). This concept supported the idea that, after the establishment of states, individuals had the right to leave their state and settle in another. A significant moment for this idea occurred during the revocation of the Edict of Nantes in 1685, when Louis XIV banned Protestantism. As a result, over 200,000 French Calvinists sought refuge in neighboring Protestant countries<sup>2</sup>.

In the following centuries, refugees played a role in shaping European history and development. Waves of people fleeing various upheavals, including the French Revolution (1789–1799), the Revolutionary Wars (1792–1802), and the “Spring of Peoples” in 1848, led to a significant increase in refugees relocating to other states. As a result, the nations receiving these refugees had to make decisions about protecting this vulnerable population, distinguishing between the rights of state citizens and foreign citizens<sup>3</sup>.

Against the backdrop of World War I, the initially multiethnic states underwent a transformation, evolving into national states. This transformation brought about the exclusion of certain individuals from civic rights based on factors such as ethnicity, religion, language, and more. As a result, there was a need for an international framework to protect displaced individuals<sup>4</sup>.

The earliest documented use of the term “refugee” is in Article 2 of “The Arrangement of May 12, 1926, on the Issuance of Identity Certificates to Russian and Armenian Refugees,” created by the League of Nations. This document establishes a definition of the term from the perspectives of the involved parties, namely Russia and Armenia. In the Russian context, a refugee is defined as “any person of Russian origin who no longer receives protection from the Soviet Socialist Republic and has no other nationality.”

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<sup>2</sup> Alexander Betts, Gil Loescher, *Refugees in international relations*, Oxford University Press, Oxford; New York, 2011, p. 6.

<sup>3</sup> *Ibidem*, p. 7.

<sup>4</sup> *Ibidem*, p. 8.

From the standpoint of Armenia, a refugee is defined as “any person of Armenian origin who was subject to the Ottoman Empire and who does not or no longer benefits from the protection of the government of the Turkish Republic and has no other nationality.”<sup>5</sup> In the years that followed, efforts were made to expand and refine the term to include other refugee categories, such as Assyrian and Turkish refugees<sup>6</sup>.

Annex I of the “Constitution of the International Organization for Refugees,” established on 15 December 1946 by the United Nations, provides a comprehensive definition of the term “refugee” based on several categories. First, it includes individuals considered refugees who were “victims of Nazi or fascist regimes or other regimes allied with them during the Second World War.” The definition also encompasses “Spanish publicans and other victims of the phalangist regime in Spain, regardless of whether or not they benefit from the international refugee status.”<sup>7</sup>

Furthermore, individuals who were considered refugees before the outbreak of the Second World War, due to race, religion, nationality, or political opinion, were to retain their refugee status in host countries. The document also introduces the term “refugee children,” which applies to unaccompanied children who are war orphans or whose parents have disappeared and who find themselves outside their home country. According to the document, these children are entitled to receive all necessary assistance<sup>8</sup>.

The “Convention Relating to the Status of Refugees,” concluded in Geneva on 28 July 1951, plays a crucial role in defining the term “refugee” and specifying the rights afforded to them in the host country. The docu-

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<sup>5</sup> United Nations High Commissioner for Refugees, “Arrangement Relating to the Issue of Identify Certificates to Russian and Armenian Refugees”, *Refworld*, accessed in 7 June 2023, <https://www.refworld.org/docid/3dd8b5802.html>

<sup>6</sup> United Nations High Commissioner for Refugees, “Refworld | Arrangement Concerning the Extension to Other Categories of Certain Measures Taken in Favour of Russian and Armenian Refugees”, *Refworld*, accessed in 7 June 2023 <https://www.refworld.org/docid/42cb8d0a4.html>

<sup>7</sup> United Nations High Commissioner for Refugees, “Refworld | Constitution of the International Refugee Organization”, *Refworld*, <https://www.refworld.org/docid/3ae6b37810.html>, accessed in 7 June 2023.

<sup>8</sup> *Ibidem*.

ment defines a refugee as an individual who, due to events before 1 January 1951, has a well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion. This person is outside their country of nationality and either cannot, or due to these fears, refuses the protection of that country. Alternatively, it includes stateless individuals who, due to such events, are outside the country where they habitually resided and cannot or, due to fear, are unwilling to return<sup>9</sup>.

According to the Convention, a refugee must be located outside the borders of the state of their nationality and no longer benefit from its protection. The document comprehensively enumerates the reasons for a person finding themselves in such a situation, ranging from the fear of persecution to the reluctance to return because of the apprehended events. Additionally, the Convention outlines the conditions under which it no longer applies, including cases where individuals voluntarily seek the protection of their home country, acquire another nationality with associated privileges, or have their refugee status formally recognized.

In summary, a refugee is an individual who faces persecution in their country based on ethnicity, race, religion, language, or culture, and is forced to leave due to armed conflict, seeking refuge in another state. The “Convention Relating to the Status of Refugees,” concluded in Geneva on 28 July 1951, stands as the fundamental cornerstone of contemporary international refugee law, offering a comprehensive framework for the protection and rights of refugees.

### *Categories of refugees*

According to the Geneva Convention, five internationally recognized categories of refugees exist. Based on these categories, people persecuted in their native country can seek protection from neighboring countries.

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<sup>9</sup> UN General Assembly, “Convention Relating to the Status of Refugees”, United Nations, Treaty Series, vol. 189, p. 137, 28 July 1951, accessed in 22 March 2023, <https://www.refworld.org/legal/agreements/unga/1951/en/39821>.

The five categories are as follows:

- persecution because of race
- persecution because of nationality
- persecution because of religion
- persecution due to belonging to a group
- persecution because of political opinions<sup>10</sup>

a) A refugee persecuted because of their race

A refugee persecuted because of race is an individual who faces persecution in their home country due to their race or ethnic background. Racial persecution involves discrimination, violence, or other harmful actions against individuals solely due to their racial or ethnic identity. The person is forced to leave their home country to seek refuge in another state to escape this persecution<sup>11</sup>.

Examples of cases where refugees were persecuted because of their race include:

- Rwandan Genocide (1994): The Rwandan Genocide saw targeted violence against the Tutsi ethnic group by the majority Hutu population. Many Tutsis were persecuted, leading to a large number of refugees fleeing to neighboring countries<sup>12</sup>.
- Apartheid in South Africa (20th century): The discriminatory policies of apartheid in South Africa targeted non-white racial groups, particularly black South Africans. Some individuals faced persecution, and some sought refuge in other countries to escape racial discrimination and violence<sup>13</sup>.

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<sup>10</sup> *Ibidem*.

<sup>11</sup> James C. Hathaway, *The rights of refugees under international law*, Cambridge University Press, Cambridge [England]; New York, 2005.

<sup>12</sup> David Newbury, "Returning Refugees: Four Historical Patterns of "Coming Home" to Rwanda", *Comparative Studies in Society and History*, vol. 47, nr. 2, April 2005, Cambridge University Press, accessed in 19 January 2024, <https://www.cambridge.org/core/journals/comparative-studies-in-society-and-history/article/abs/returning-refugees-four-historical-patterns-of-coming-home-to-rwanda/23B8F2D3D84C7F20A8630A4D29B5548D>.

<sup>13</sup> Mónica Inés Cejas, "Racial Discrimination in Post-Apartheid South Africa: A New Irreducible "Other"?", *Safundi*, vol. 8, nr. 4, 1 October 2007, Routledge, pp. 473–487, accessed in 19 January 2024, <https://doi.org/10.1080/17533170701635394>.

## b) A refugee persecuted refugee because of their nationality

A refugee persecuted because of their nationality is an individual who experiences persecution in their home country due to their nationality or national origin. Persecution based on nationality involves discriminatory treatment, violence, or harmful actions directed at individuals solely because of their citizenship or national identity. As a result of this persecution, the person is compelled to leave their home country and seek refuge in another state to escape threats or dangers related to their nationality<sup>14</sup>.

Examples of cases where refugees were persecuted because of their nationality include:

- Palestinian Exodus (1948): The establishment of the State of Israel in 1948 resulted in the displacement of hundreds of thousands of Palestinians. Many became refugees due to their nationality, seeking refuge in neighboring Arab countries<sup>15</sup>.
- Iraq's Invasion of Kuwait (1990-1991): During the Gulf War, Kuwaiti nationals faced persecution and displacement as a result of the Iraqi invasion. Many Kuwaitis sought refuge in neighboring countries and beyond<sup>16</sup>.

## c) A refugee persecuted refugee because of their religion

A refugee persecuted because of their religion is an individual who experiences persecution in their home country specifically due to their religious beliefs. Religious persecution may involve discrimination, harassment, violence, or other harmful actions targeting individuals solely be-

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<sup>14</sup> James C. Hathaway, *The rights of refugees under international law*, Cambridge University Press, Cambridge [England] ; New York, 2005.

<sup>15</sup> Masri Mazen, "The Implications of the Acquisition of a New Nationality for the Right of Return of Palestinian Refugees", *Asian Journal of International Law*, vol. 5, nr. 2, July 2015, pp. 356–386, accessed in 19 January 2024, <https://www.cambridge.org/core/journals/asian-journal-of-international-law/article/implications-of-the-acquisition-of-a-new-nationality-for-the-right-of-return-of-palestinian-refugees/7435A03C374873B4C8B4566FFA483F0E>.

<sup>16</sup> Mose L. Floyd, "Iraq's Invasion of Kuwait Spurs Mass Migration into Jordan - How a Third World Nation Copes with the Administrative Nightmare of a Refugee Population", *Georgetown Immigration Law Journal*, vol. 5, 1991, accessed in 18 January 2024, <https://heinonline.org/HOL/Page?handle=hein.journals/geoimlj5 &id=67&div=&collection=>.

cause of their religious identity. As a result of this persecution, the person is compelled to leave their home country and seek refuge in another state to escape the threats or dangers associated with their religious beliefs.<sup>17</sup>

Examples of cases where refugees were persecuted because of their religion include:

- Bosnian War (1992-1995): During the Bosnian War, individuals faced persecution based on their religious identity. Bosnian Muslims (Bosniaks) were particularly targeted, leading many to seek refuge in other countries<sup>18</sup>.
- Taliban Rule in Afghanistan (1996-2001): During the Taliban's rule in Afghanistan, religious minorities and individuals who did not adhere to the Taliban's strict interpretation of Islam faced persecution. Many sought refugees in neighboring countries<sup>19</sup>.

d) A refugee persecuted because they belong to a group

A refugee persecuted because they belong to a group is an individual who faces persecution in their home country due to their affiliation with a particular social, ethnic, racial, cultural, or political group. Persecution based on group membership involves discriminatory treatment, violence, harassment, or other harmful actions directed at individuals solely because they are part of a specific group. As a result of this persecution, the person is compelled to leave their home country and seek refuge in another state to escape the threats or dangers associated with their group membership<sup>20</sup>.

Examples of cases where refugees were persecuted due to their membership in a social group include:

- Caste-based discrimination in South Asia: In some South Asian countries, individuals from lower castes face systemic discrimination and

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<sup>17</sup> James C. Hathaway, *The rights of refugees under international law*, Cambridge University Press, Cambridge [England]; New York, 2005.

<sup>18</sup> Donna Winslow, "Religion, Conflict and Reconciliation in Bosnia Herzegovina", in *Religion, Conflict and Reconciliation*, Brill, 2002, accessed in 19 January 2024, [https://brill.com/display/book/9789004494671/B9789004494671\\_s032.xml](https://brill.com/display/book/9789004494671/B9789004494671_s032.xml)

<sup>19</sup> Peter Marsden, *Afghanistan: minorities, conflicts and the search for peace*, Minority Rights Group international report 2001,[11], Minority Rights Group International, London, 2001.

<sup>20</sup> James C. Hathaway, *The rights of refugees under international law*, Cambridge University Press, Cambridge [England]; New York, 2005.

persecution. Some people from these social groups seek refuge to escape social and economic marginalization (Dalits and Bhils in India, Tharu Community in Nepal, etc.)<sup>21</sup>

- Political dissidents and activists: Individuals in social groups advocating for political change or social justice may be persecuted in authoritarian regimes. Political dissidents and activists may become refugees to escape government repression and threats to their safety<sup>22</sup>.

e) A refugee persecuted because of their political opinions

A refugee persecuted because of their political opinions is an individual who is targeted in their country of origin because of their political beliefs, affiliations, or activities. Persecution based on political opinions involves discriminatory treatment, harassment, violence, or other harmful actions directed at individuals solely due to their political stance. Consequently, the person is forced to leave their home country and seek refuge in another state to escape the threats or dangers associated with their political views<sup>23</sup>.

Examples of cases where refugees were persecuted because of their political opinions include:

- Svetlana Tikhanovskaya - Belarus: Svetlana Tikhanovskaya, a Belarusian opposition leader, contested the 2020 presidential election against Alexander Lukashenko. Fearing persecution, she fled to Lithuania after the election due to government crackdowns on political opposition<sup>24</sup>.

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<sup>21</sup> Thapa, Raksha; van Teijlingen, Edwin; Regmi, Pramod Raj; Heaslip, Vanessa, "Caste Exclusion and Health Discrimination in South Asia: A Systematic Review", *Asia-Pacific Journal of Public Health*, vol. 33, nr. 8, noiembrie 2021, pp. 828–838. accessed in 19 January 2024, <https://journals.sagepub.com/doi/full/10.1177/10105395211014648>

<sup>22</sup> Vanessa Pupavac, "Refugee Advocacy, Traumatic Representations and Political Disenchantment", *Government and Opposition*, vol. 43, nr. 2, 2008, Cambridge University Press, accessed in 19 January 2024, <https://www.jstor.org/stable/44484135>

<sup>23</sup> James C. Hathaway, *The rights of refugees under international law*, Cambridge University Press, Cambridge [England]; New York, 2005.

<sup>24</sup> „Lithuania ready to grant asylum to Belarusian opposition candidate Tikhanovskaya”, *TASS*, accessed in 19 January 2024, <https://tass.com/world/1188487>

- Navalny's Associates - Russia: Following the poisoning of Russian opposition leader Alexei Navalny, several of his associates faced threats and persecution in Russia. Some of them sought refuge in other countries to escape political repression<sup>25</sup>.

### *Gender – definition*

The Rome Statute defines gender by referring only to the existing two sexes, without having any broader societal significance. Paragraph 3 of Article 7 of the document clarifies that the term has no meaning beyond what is stated.

*Art. 7. Par. 3*

*„For the purpose of this Statute, it is understood that the term “gender” refers to the two sexes, male and female, within the context of society. The term “gender” does not indicate any meaning different from the above.” (Rome Statute of the International Criminal Court)<sup>26</sup>*

In today's literature, gender is conceptualized as an intricate, multi-layered cultural construct that shapes the meanings associated with being female or male within a specific situational context. In Western society, gender is typically organized around the social categories of male versus female, assigned at birth based on biological sex, whether defined anatomically or genetically. It's crucial to distinguish the cultural components that give meaning to one's gender identity from the category itself<sup>27</sup>.

Gender is a comprehensive concept encompassing interconnected elements such as gendered traits, emotions, values, expectations, norms, roles, environments, and institutions. These elements undergo change and evolution within and across cultures and over time. Additionally, gender

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<sup>25</sup> United Nations High Commissioner for Refugees, “Refworld | Russia: Navalny associate says granted asylum in Britain”, *Refworld*, accessed in 19 January 2024, <https://www.refworld.org/docid/552f9db915.html>.

<sup>26</sup> International Criminal Court, *Rome Statute of the International Criminal Court*, International Criminal Court, The Hague, 2011, p. 6.

<sup>27</sup> Nancy Felipe Russo, Angela Pirlott, “Gender-Based Violence”, *Annals of the New York Academy of Sciences*, vol. 1087, nr. 1, 2006, accessed in 19 January 2024, <https://online.library.wiley.com/doi/abs/10.1196/annals.1385.024>.

functions as a “master” or meta-status that determines one's social position in society, often granting women less power, privilege, and resources compared to men<sup>28</sup>.

Gender plays a role in defining the appropriateness of behavioral, psychological, and social characteristics across an individual's lifespan, influencing how individuals perceive themselves. This influence interacts with other dimensions of social difference, and the dynamics of gender elements can vary depending on an individual's specific mix of social identities and roles. For instance, in certain contexts, being a devoted mother may coincide with the expectations of the wife's role, while in another context, being a good wife could involve prioritizing a husband's success and sending children to boarding school to meet the husband's needs<sup>29</sup>.

Gender plays a pivotal role in shaping women's roles both at home and in the workplace, imposing significant burdens while simultaneously restricting their access to coping resources. Despite the substantial transformations in women's workforce status and participation over the past five decades, there has not been a corresponding shift in the sharing of responsibilities within the family. This results in gendered inequalities, influencing the perceived entitlements and assigning distinct meanings to the resources that women and men contribute to their relationships. These inequalities, present in both domestic and professional spheres, are linked to risks and outcomes related to experiencing violence, although the nature of this relationship is intricate and multifaceted<sup>30</sup>.

Gender-based violence is a globally recognized issue. Numerous annual reports by Amnesty International present statistics showing that gender-based violence is a widespread problem affecting women globally. In

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<sup>28</sup> Deborrah E. S. Frable, “Gender, Racial, Ethnic, Sexual, And Class Identities”, *Annual Review of Psychology*, vol. 48, nr. 1, February 1997, accessed in 19 January 2024, <https://www.annualreviews.org/doi/10.1146/annurev.psych.48.1.139>

<sup>29</sup> Stephen S. Jenkins, Jennifer Aubé, “Gender Differences and Gender-Related Constructs in Dating Aggression”, *Personality and Social Psychology Bulletin*, vol. 28, nr. 8, august 2002, accessed in 19 January 2024, <http://journals.sagepub.com/doi/10.1177/01461672022811009>

<sup>30</sup> Angela J. Hattery Change PHD, Professor, Women and Gender Studies, George Mason University, Author: Policing Black Bodies: How Black Lives Are Surveilled and How to Work for, Earl Smith, *Gender, Power, and Violence: Responding to Sexual and Intimate Partner Violence in Society Today*, Rowman & Littlefield, 2019.

Asia and the Middle East, women face lethal violence justified as “honor killings”. West African girls endure genital mutilation as a cultural practice. In Western Europe, migrant and refugee women encounter assaults for not conforming to the social norms of their host communities. Southern African young girls experience rape and the spread of HIV/AIDS under the misguided belief that intercourse with virgins can cure the perpetrators. Even in the wealthiest and most advanced nations globally, women suffer fatal domestic violence at the hands of their partners<sup>3132</sup>.

### *Persecution - definition*

The Rome Statute defines persecution as “the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity.”<sup>33</sup>

The literature presents persecution as pervasive and deliberate form of mistreatment that involves the sustained and systematic targeting of individuals or specific groups based on various characteristics such as race, religion, nationality, political beliefs, social class, or other identifiable factors. This oppressive and unjust treatment often includes a range of harmful actions such as violence, discrimination, harassment, and exclusion. Persecution aims to suppress, marginalize, or inflict suffering upon individuals or communities, seeking to enforce adherence to prevailing ideologies or norms<sup>34</sup>.

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<sup>31</sup> Nancy Felipe Russo, Angela Pirlott, “Gender-Based Violence”, *Annals of the New York Academy of Sciences*, vol. 1087, nr. 1, 2006, accessed in 19 January 2024, <https://onlinelibrary.wiley.com/doi/abs/10.1196/annals.1385.024>.

<sup>32</sup> Amnesty International Publications, “It’s in our hands - Stop Violence Against Women”, Alden Press, Oxford, United Kingdom, 2016, <https://www.amnesty.ie/wp-content/uploads/2016/05/Its-in-our-Hands.pdf>.top Violence Against Women: «It’s in our hands», *Amnesty International*, accessed in 19 January 2024, <https://www.amnesty.org/en/documents/act77/001/2004/en/>.

<sup>33</sup> International Criminal Court, “Rome Statute of the International Criminal Court”, International Criminal Court, The Hague, 2011.

<sup>34</sup> H. Storey, “What Constitutes Persecution? Towards a Working Definition”, *International Journal of Refugee Law*, vol. 26, nr. 2, 1 June 2014, accessed in 19 January 2024, <https://academic.oup.com/ijrl/article-lookup/doi/10.1093/ijrl/eeu017>.

Persecution can manifest in various forms, with individuals or groups facing discrimination in legal, social, economic, and political spheres. It represents a violation of fundamental human rights and ethical standards, perpetuating a cycle of injustice and inequality. Persecution may lead to profound consequences, such as displacement, mental and physical harm, and the erosion of personal freedoms<sup>35</sup>.

The persecution of women is a deeply entrenched issue, taking various forms across societies and cultures. Women, as a group, often face systemic mistreatment, discrimination, and violence due to their gender. This persecution is rooted in historical, cultural, and social norms that perpetuate gender-based inequalities and reinforce traditional power structures<sup>36</sup>.

In many instances, women experience discrimination in legal frameworks, limiting their rights and access to opportunities. Unequal pay, limited reproductive rights, and discriminatory laws contribute to the systemic oppression of women. Additionally, harmful traditional practices, such as female genital mutilation, child marriage, and honor killings, continue to oppress women in certain communities<sup>37</sup>.

## Case study: The Afghan refugee women

### *Situation of women in Afghanistan*

The status of women in Afghanistan has been fluctuating. Even though in the 70s and 80s, women had the same rights as men, with freedom of expression and respect for women's human rights, this was no longer the case in the 90s. When the Taliban came to power, women's rights

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<sup>35</sup> Colin Yeo, "Reasons for Persecution", in *Refugee Law*, Bristol University Press, 2022, accessed in 19 January 2024, <https://bristoluniversitypressdigital.com/display/book/9781529219999/ch005.xml>

<sup>36</sup> Nancy Felipe Russo, Angela Pirlott, "Gender-Based Violence", *Annals of the New York Academy of Sciences*, vol. 1087, nr. 1, 2006, accessed in 19 January 2024, <https://onlinelibrary.wiley.com/doi/abs/10.1196/annals.1385.024>

<sup>37</sup> Angela J. Hattery Change PHD, Professor, Women and Gender Studies, George Mason University, Author: *Policing Black Bodies: How Black Lives Are Surveilled and How to Work for*, Earl Smith, *Gender, Power, and Violence: Responding to Sexual and Intimate Partner Violence in Society Today*, Rowman & Littlefield, 2019

and freedoms were severely restricted. After the overthrow of the regime in 2001, women began to regain their rights. Their freedom lasted 20 years, until 2021, when the Taliban returned to power<sup>38</sup>.

#### Situation of women in Afghanistan before 2021 (2001-2021)

Initial trends concerning the female population in Afghanistan indicated positive changes shortly after the Taliban regime was overthrown, especially between 2001 and 2005. The Taliban's removal brought relief to Afghan women and girls. The Bonn Agreement in December 2001 addressed certain women's rights and issues, leading to the establishment of the Ministry of Women. Other favorable developments during this period included ongoing activism by various NGOs dedicated to women's rights and increased efforts for resource allocation toward women's issues and gender mainstreaming by organizations such as USAID, the US Department of State, the US-Afghan Women's Council, and various UN agencies, notably the UN Development Fund for Women (UNIFEM)<sup>39</sup>.

Additional positive changes comprised the establishment of Legal Aid Referral Centers providing essential legal assistance for women, proactive initiatives by government agencies and ministries promoting women's rights and empowerment (e.g., the Ministry of Women's Affairs, Ministry of Public Health, Ministry of Education, and the Afghan Independent Human Rights Commission), gender-specific plans and actions outlined in documents like the Afghan National Development Strategy (ANDS) of 2006 and 2008, the National Action Plan for the Women of Afghanistan (NAPWA), a 10-year plan drafted in 2005-2006 and approved by the Cabinet in May 2008, and the Gender Budgeting Unit introduced in 2007 as part of the Ministry of Finance<sup>40</sup>.

Further measures included ongoing recruitment efforts to increase the representation of female police officers, Afghanistan's ratification of the

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<sup>38</sup> Kaan Diyarbakirlioglu, Sureyya Yigit, "The Women of Afghanistan: Past and Present Challenges", *Journal of Social Science Studies*, vol. 4, nr. 2, 5 June 2017, accessed in 19 January 2024, <http://www.macrothink.org/journal/index.php/jsss/article/view/11349>.

<sup>39</sup> Alvi, Hayat, "Women in Afghanistan: A Human Rights Tragedy Ten Years After 9/11", *Human Rights & Human Welfare*: Vol. 11: Iss. 1, Article 27, 2011.

<sup>40</sup> *Ibidem*.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in March 2003, and the Convention on the Rights of the Child (CRC) in March 1994. Other measures included a 25% quota for women's representation in the Afghan parliament, recognition of forced marriage as a crime under Afghan law, the establishment of Family Response Units (FRUs) with women-only staff in police stations to document cases of family violence, sexual violence, child marriages, and forced marriages, and the passage of the Elimination of Violence against Women law (EVAW) signed by President Hamid Karzai in August 2009. Additionally, President Karzai amended the March 2009 Shia Personal Status law to ease the restrictions and conditions imposed on Shia women<sup>41</sup>.

Regrettably, despite several positive developments, numerous setbacks and shortcomings have emerged, particularly evident in various negative trends since 2005. The implementation and enforcement of policies, laws, and initiatives face significant challenges, with a primary impediment being the difficulty in securing adequate funding for institutions that support Afghan women. Resource deficiencies are exacerbated by a lack of financial support, impacting the effective execution of programs and initiatives aimed at women's welfare. Additionally, shortcomings in the allocation of funds by international donors for Afghanistan's reconstruction hinder progress in addressing the complex challenges faced by Afghan women<sup>42</sup>.

#### Situation of women in Afghanistan after Taliban regime (2021-present)

In August 2021, the Taliban took control in Afghanistan, establishing a new government composed entirely of men, which has not received international recognition due to its neglect of women's and minority rights<sup>43</sup>. Despite Taliban assurances to protect women's rights, they have imposed

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<sup>41</sup> Women's Rights in Afghanistan, "We Have the Promises of the World", *Human Rights Watch*, 6 December 2009, accessed in 19 January 2024, <https://www.hrw.org/report/2009/12/06/we-have-promises-world/womens-rights-afghanistan>.

<sup>42</sup> Łukasz Jureńczyk, "The social position of women in Afghanistan after 2014", *Problemy Polityki Społecznej. Studia i Dyskusje*, nr. 45(2), 2019, Instytut Polityki Społecznej Uniwersytetu Warszawskiego, accessed in 19 January 2024, <http://cejsh.icm.edu.pl/cejsh/element/bwmeta1.element.desklight-e9ad283f-bf55-4fcd-8e8f-568c801a6591>.

<sup>43</sup> „Taliban appoints deputy ministers in all-male government”, *Al Jazeera*, accessed in 19 January 2024, <https://www.aljazeera.com/news/2021/9/21/taliban-name-deputy-ministers-double-down-on-all-male-cabinet>.

severe restrictions on women's access to education and employment. In some areas, the Taliban forced women to stop working altogether<sup>44</sup>.

While education in lower grades resumed in segregated classes, classes for higher-grade levels (7 through 12) and university-level classes for girls and women were suspended. The newly appointed chancellor of Kabul University declared on September 27, 2021, that women were not allowed to return to the university for studies or employment<sup>45</sup>. Additionally, women face restrictions on leaving their homes without a male family member, justified under the pretext of safeguarding national security, public order, health, morals, or the rights of others. However, historical patterns suggest that these security concerns often act as pretexts to curtail women's rights<sup>46</sup>.

The Taliban's interim cabinet lacks female ministers or deputy ministers, and the Ministry of Women's Affairs has been dissolved. In mid-September 2021, the Mayor of Kabul announced the replacement of nearly all municipal jobs held by women with male appointees. Women protesting these decisions, especially in Kabul, have faced violence from Taliban security forces<sup>47</sup>.

In May 2022, the Ministry for the Propagation of Virtue and the Prevention of Vice issued a decree mandating that all women in Afghanistan wear full-body coverings (either a burqa or an abaya with a niqab, leaving only the eyes uncovered) in public. The decree outlined enforcement measures, including fines, imprisonment, or termination of government employment for male “guardians” who fail to ensure compliance by their

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<sup>44</sup> Hannah Bogaert, “History Repeating Itself: The Resurgence of the Taliban and the Abandonment of Afghan Women”, *Immigration and Human Rights Law Review*: Vol. 4: Iss. 1, Article 3, 2022.

<sup>45</sup> „At Afghan Universities, Increasing Fear That Women Will Never Be Allowed Back - The New York Times”, accessed in 19 January 2024, <https://www.nytimes.com/2021/09/27/world/asia/taliban-women-kabul-university>

<sup>46</sup> Hannah Bogaert, “History Repeating Itself: The Resurgence of the Taliban and the Abandonment of Afghan Women”, *Immigration and Human Rights Law Review*: Vol. 4: Iss. 1, Article 3, 2022.

<sup>47</sup> *Ibidem*.

female relatives. This decision received strong criticism from rights groups, including the United Nations Mission in Afghanistan<sup>48</sup>.

All these changes led many Afghan women to leave their country. The imposed restrictions on freedom of movement, along with their withdrawal from public life and the educational environment, were not major actions compared to the real implications of their persecution under the new Taliban regime.

A document published by the UN Women outlines the deplorable state of women's status in Afghanistan a year after the Taliban took over the country. In addition to the above, the article writes that they have increased the number of forced marriages for women and girls, honor killings, domestic violence, suicide and rape. It is important to note that if women or girls report such situations to the authorities, they risk being arrested and executed for the presumption of moral crimes<sup>49</sup>.

### The Afghan refugee women

Starting in December 2022, certain EU nations began granting refugee status to all female Afghan asylum-seekers solely based on their gender. This determination stems from the deteriorating conditions in Afghanistan, particularly impacting women and girls. The extent of discrimination is deemed serious enough to qualify as persecution of a social group, as outlined in the 1951 Refugee Convention, thereby meeting the criteria for refugee status<sup>50</sup>.

From September 2021 to June 2022, Afghan individuals represented the largest demographic seeking international protection in EU countries.

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<sup>48</sup> Susannah George, "Taliban orders head-to-toe coverings for Afghan women in public", *Washington Post*, 7 May 2022, accessed in 19 January 2024, <https://www.washingtonpost.com/world/2022/05/07/taliban-orders-head-toe-coverings-afghan-women-public/>

<sup>49</sup> UN Women, "Women's rights in Afghanistan: one year after the Taliban take-over", *UN Women – Headquarters*, Gender Alert NO 2, 15 August 2022 accessed in 19 January 2024, <https://www.unwomen.org/en/digital-library/publications/2022/08/gender-alert-no-2-womens-rights-in-afghanistan-one-year-after-the-taliban-take-over>

<sup>50</sup> Anita, Orav; Nefeli, Barlaoura, "Refugee status for all female Afghan asylum-seekers", European Parliamentary Research Service, May 2023, accessed in 19 January 2024, [https://www.europarl.europa.eu/RegData/etudes/ATAG/2023/747913/EPRS\\_ATA\(2023\)747913\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2023/747913/EPRS_ATA(2023)747913_EN.pdf)

The peak of Afghan applications occurred in September 2021, reaching 18,200, and the numbers have consistently fluctuated between 8,000 to 9,100 per month throughout 2022. Notably, 13% of Afghan applicants were unaccompanied minors, highlighting the vulnerability of this group<sup>51</sup>.

To qualify as a refugee, an individual must demonstrate a well-founded fear of persecution based on the reasons outlined in the Refugee Convention, which include race, religion, nationality, membership in a particular social group, or political opinion. Although gender is not explicitly listed among these categories, it is recognized that women and girls can be considered a social group within the legal definition of a refugee, as outlined in Article 1A(2), due to the distinct treatment they often receive<sup>52</sup>.

While there is no universally accepted legal definition of persecution, the UNHCR handbook recognizes “serious violations of human rights” as persecution when determining refugee status<sup>53</sup>.

The rights of Afghan women and girls, like those of all women and girls, are safeguarded by international human rights declarations and treaties such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the European Convention on Human Rights, the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination Against Women<sup>54</sup>.

The first countries to recognize Afghan women and girls as refugees are Sweden, Denmark and Finland. The Swedish Migration Agency has

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<sup>51</sup> European Union Agency for Asylum (EUAA), “Taliban has had major impact on security and women’s rights in Afghanistan | European Union Agency for Asylum”, accessed in 19 January 2024, <https://euaa.europa.eu/news-events/taliban-has-had-major-impact-security-and-womens-rights-afghanistan>

<sup>52</sup> UN General Assembly, Convention Relating to the Status of Refugees, United Nations, Treaty Series, vol. 189, p. 137, 28 July 1951, accessed in 22 March 2023, <https://www.refworld.org/legal/agreements/unga/1951/en/39821>

<sup>53</sup> UN High Commissioner for Refugees (UNHCR), “Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees”, accessed in 22 March 2023, <https://www.refworld.org/docid/4f33c8d92.html>

<sup>54</sup> Anita, Orav; Nefeli, Barlaoura, “Refugee status for all female Afghan asylum-seekers”, European Parliamentary Research Service, May 2023, accessed in 19 January 2024, [https://www.europarl.europa.eu/RegData/etudes/ATAG/2023/747913/EPRS\\_ATA\(2023\)747913\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2023/747913/EPRS_ATA(2023)747913_EN.pdf)

acknowledged that the erosion of the rights of Afghan women and girls qualifies as persecution based on gender. Consequently, they will be granted refugee status along with a residence permit. This new legal stance allows for the reassessment of previous applications. The Finnish Immigration Service has revised its guidelines to extend refugee status to all female applicants from Afghanistan. The Refugee Appeals Board of Denmark has declared that asylum will be provided to all women and girls from Afghanistan solely on the basis of their gender. Additionally, all applications from female Afghan nationals previously rejected between August 2021 and February 2023 will be reopened for reconsideration<sup>55</sup>.

## Conclusion

A refugee is a person persecuted in their country for ethnic, racial, religious, linguistic, or cultural reasons, who is forced to leave due to armed conflict and seeks shelter in another state. The “Convention on Refugee Status,” concluded in Geneva on July 28, 1951, is the cornerstone of modern international refugee law.

In this work, gender refers only to the two sexes: female and male. Persecution is a serious violation of human rights. Studies show that most persecuted individuals are female compared to males. Persecution of women and girls takes various forms, including forced marriage, rape, and murder.

In the case of Afghan refugee women, persecution arises from the Taliban regime's laws that undermine women's rights and status. Due to the unbearable conditions faced by individuals and the ongoing persecution of their human rights and lives, they were forced to leave their country in search of shelter elsewhere. Initially, host states could not accommodate them due to the absence of legal provisions for receiving refugees. Their reasons for seeking refuge did not align with the five refugee categories defined in the Geneva Convention. Therefore, recognizing their special sta-

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<sup>55</sup> Emma Wilbur, “Denmark, Sweden Offer Protection to All Women, Girls from Afghanistan | Human Rights Watch”, accessed in 19 January 2024, <https://www.hrw.org/news/2023/02/09/denmark-sweden-offer-protection-all-women-girls-afghanistan>

tus, the European Union intervenes to grant them the right to be accepted in host countries based on gender.

The need to adopt a new definition for the term “refugee” that includes gender-based persecution is both necessary and sensitive. In this context, the inability to categorize individuals appropriately has left many without protection. Therefore, a clear, precise, and comprehensive law must be established that considers all variations in the perception of the term to ensure its intended effect of protecting individuals.

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# A COMPARATIVE ANALYSIS OF SYRIAN AND UKRAINIAN REFUGEES THROUGH THE EYES OF ROMANIANS`

Ilaria Ana Maria BÎRA<sup>1</sup>

**ABSTRACT:** Romania suffered considerable changes following its ascension to the European Union on the 1st of January 2007. The country's membership in the EU marked a milestone moment in its political, economic, and social transition. One of the most important changes Romania had to make was adopting European values such as human dignity - ensuring respect for human rights, including civil, political, economic, social, and cultural rights. Freedom and equality without discrimination based on gender, race, ethnicity, religion, disability, age, or sexual orientation; democracy and solidarity, respect for human rights, and peace.

This research highlights Romania's application of these values when confronted with crises, it is also an overview of how the threat concept changes in people's perception depending on external influences such as the political environment or mass-media discourses.

Comparative studies on behaviours toward refugees are few as this domain is still developing, in the available literature Romania is portrayed as a hostile country when debating its relation with the 2015 Syrian refugees, and on the other hand, Romania is praised for its efforts in aiding the Ukrainian refugees in 2022. The question is, to what extent did the mass media and the discourses of politicians affect Romanians change of attitudes?

*Keywords: immigration, refugee, Syria, Ukraine, war*

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## **Introduction**

Over the past 10 years, European security has been characterized by several challenges and changes and the future remains uncertain as new security threats emerge and geopolitical tensions continue to evolve. Such threats are terrorism - it has remained a significant security concern in Europe, with several high-profile attacks in major cities such as Paris, Brussels, and Berlin. Migration – the large-scale migration of refugees and asylum seekers from conflict-affected areas such as Syria, Iraq, and Afghanistan has created challenges for European security, particularly in terms of border control, terrorism, and social cohesion. Cybersecurity threats and Brexit - United Kingdom's decision to leave the Union creates uncertainty around European security, particularly in terms of defense and intelligence cooperation. There has been growing pressure on European countries to increase defense spending in order to meet the security challenges facing the region, particularly in light of The United States' calls for European allies to develop in the field of defense. In the last place are Russia's actions in Ukraine and its growing assertiveness in the region which have raised concerns about European security, particularly in Eastern Europe.

With so many security challenges and plenty of possible case selections to be analysed in the field of security, I decided to tackle the refugee and migration phenomenon in Europe, with Romania as the host country for the Syrian and Ukrainian refugees that fled the wars that were ravaging their countries in 2015, respectively in 2022. As previously mentioned, Russia is a threat to international security and stability, but now more than ever Romanians feel the presence of the Russian aggressor on their borders.

The refugee phenomenon alongside migration and asylum seeking started to draw more attention in the past decade extending its research to numerous scientific domains such as political studies, social and cultural, international relations, and human rights. This research aim is to find answers regarding the two different reactions the Romanians had in 2015 and 2022 in relation to the two refugee waves the country faced. It is the first study that contains data from all the available research that was done on this subject, integrating surveys conducted by organizations and researchers, political discourse analysis, and mass-media articles from both periods.

It is important to mention that there was no previous research that analysed in parallel the Syrian and Ukrainian refugees in Romania as case studies, there were only media publications done by independent authors/journalists.

Migration became regarded as a security threat after the civil war in Syria started back in 2011, back then Europe faced an unprecedented crisis as millions of refugees took the route to Europe in an attempt to flee the war; the Syrian refugee crisis reached its peak in 2015.

This paper contributes to the development of the political science and security fields as its main goal is to identify the reasons behind a civic society's reaction to certain events. I decided on a study of morals and attitudes, a study on Romanian citizens' perceptions regarding refugees, their openness in accepting and integrating them, and also the changes of perspective on security Romanians had in the two cases.

While the Syrian refugee crisis was the subject of numerous studies and Romania's attitude was mentioned in international articles that overlooked its reaction and measures, the war in Ukraine is a new objective that has not yet been thoroughly analysed. I decided to conduct research starting from Romania's refugee policies, and its history with the migration/refugee's phenomenon, focusing on the differences between the citizen's reactions toward the two very different ethnicities.

For the case selection, as previously mentioned, I decided to analyse the Syrian refugee crisis at its peak in Europe, in 2015 and the Russian-Ukrainian war in 2022 that generated the biggest wave of migration on European territory since the Second World War. The main focus is on Romania as the host country for both the Syrian and Ukrainian refugees, analysing the citizens' reactions and officials' decisions to the migration waves. The timeframe for the first case is the year 2015, and for the second case, we take the 24 of February as the starting point and follow the refugees for one year, until February 2023. In length there is no difference between the cases and more than this, both countries sent refugees to Romania prior to the reference periods as the Syrian war started in 2011, and back in March 2014, Romania accepted injured protestors from Maidan, Ukrainian region, after Russia annexed Crimea.

The methodology used is qualitatively interpreting mass media articles and discourses; and for the method, discourse analysis was the fittest in order to get a deeper understanding of news reports, political statements, citizens' actions, and politicians' discourses.

For the data collection method, most of the available information was provided by Romanian news outlets, and the articles belonged to the two selected periods, today the number of available news articles about Syria is far less than the ones about Ukraine, but I tried to find articles about both refugee waves from the same mass media outlets.

Why these particular cases? Syrian refugees faced war and millions were forced to navigate the Mediterranean Sea to find shelter in Europe; in 2015 there was little to no news about how the refugees were welcomed in Romania, most of the headlines talked about terrorism and threat, about the changes the refugees brought with them. Romania's ex-president Traian Basescu made some public comments against receiving refugees and the government initially aligned itself with Hungary and Slovakia's decision to not accept the mandatory refugee quota from the European Union; more examples of these attitudes are going to be debated in this paper. The views of Romanians towards Syrian refugees are diverse and vary depending on a number of factors, including political affiliation, geographic location, and personal experiences. While in 2022, in February the news of war on Romania's borders pushed the citizens into action, the idea that 'it could be us' facing the Russian aggressor was on the rise; NGOs, simple citizens, and politicians gathered at the Romanian-Ukrainian border points to aid the refugees that decided to flee in Romania. The discourses changed, Romanians were internationally praised for their organization and for their efforts in helping the Ukrainians, this time Romania was pictured as a model of solidarity and good behaviour on the international scene; the very same country that was priorly criticized for its attitude towards Syrian refugees. What was the trigger for Romania's civil society? What is the root of these differences while approaching the refugee issue?

There has been some negative sentiment towards refugees in Romania, particularly in the early stages of the crisis, with concerns about national security, the potential for terrorism, and cultural differences. Some

Romanians have also expressed concern about the cost of supporting refugees and the strain that resettlement could place on the country's resources.

The international legal definition of the term 'refugee' needs to be provided as according to the United Nations Convention relating to the Status of Refugees, a refugee is defined as 'a person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country' (art. 1A(2)). For State Parties to the African Union Convention governing the specific aspects of refugee problems in Africa, the term refugee also applies to 'every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality' (art. 1(2))<sup>2</sup>. Unfortunately, even in global statistics on international migration it is often used a definition of 'international migrant' that includes a large number of asylum seekers and refugees - migration denotes a choice action, it is incorrectly used to describe refugees.

Experts have recently looked closely at the highly complex topic of the relationship between migration and terrorism. According to a variety of data, migration does not significantly contribute to the rise in terrorist attacks, although some findings support the opposite hypothesis. Roderick Parkes highlights that migrants cannot be categorically defined as 'tourists or terrorists', in a research that was released by the Institute for Security Studies. Migrants may have previously been affiliated with radical organizations, which has given them access to certain statuses and work prospects. On the other hand, they can start building their own networks and relationships and live more like tourists. Global powers attempting to reshape the global economy are drawn to them because of their role as a delicate balance between these two extremes.

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<sup>2</sup> Office of the United Nations High Commissioner for Refugees, Convention and protocol relating to the status of refugees, Geneva: United Nations General Assembly, 1951, Art. 1(A)(2), accessed 3 May 2023, <http://www.unhcr.org/3b66c2aa10.pdf>

Studies have explored public attitudes towards refugees in Romania, examining factors that shape perceptions, including media influence, political discourse, and personal experiences. These studies have aimed to provide insights into public opinion and the potential impact on refugee integration. Antonio Momoc from the University of Bucharest, Faculty of Journalism and Communication Sciences researched 'Political Angles in the Romanian Online Media About the Refugees Crisis and Islam. Traian Băsescu Case' where he argued on the discourses and topics of political leaders from Central and Eastern Europe and the media coverage on this subject. He found references to the Syrian refugees that portrayed them as 'the terrorist Muslim' and 'the Islamist peril' in 2015, in Romania's case, the public opinion has deeply changed after the media reports about the so-called 'refugees' march' towards the Western Europe's countries intensified: within a couple of weeks it shifted from supporting the idea of receiving refugees, to rejecting the acceptance of immigrants in Romania. The Syrian refugee crisis was viewed as a threat to European security, in Romania the refugees were pictured as a threat to both culture and Christian values inoculating fear and misinformation among citizens.

The specialized literature available on this particular matter (Syrian versus Ukrainian refugee crisis in Romania) is rather scarce and not properly focused on the issue I decided to analyse, as seen above most research was done on how Romania institutions reacted rather than citizens and on administrative matters regarding the distribution and integration of refugees.

A more comprehensive analysis about how the media shaped people views on the refugees was done by Irina Ana Kantor and Victor Cepoi in 'From Neglect to Crime – The Role of Media in the 2015 European Migration Crisis. A Comparative Study in Three ECE Countries: Romania, Hungary and Slovenia: Realities and Media Representations'. The media in Romania has played a significant role in shaping public perceptions of refugees, both positively and negatively. Like in many countries, media coverage of the refugee crisis has been characterized by a mix of sensationalism, misinformation, and bias.

In the early stages of the crisis, there were reports of anti-immigrant sentiment and xenophobia in the Romanian media. Some media outlets portrayed refugees as a threat to national security, and there were concerns that this could fuel discrimination and hostility towards refugees in Romanian society.

There have also been examples of positive media coverage of refugees in Romania, particularly in the context of successful integration stories. Some media outlets have highlighted the contributions of refugees to Romanian society, such as their entrepreneurial spirit and cultural diversity. Romania's history with refugees is complex, and while the country has made some efforts to respond to the current refugee crisis, there is still work to be done to ensure that refugees are welcomed and supported in Romanian society.

Overall, the impact of the media on public perceptions of refugees in Romania is complex and multifaceted. While negative coverage can contribute to discrimination and hostility towards refugees, positive coverage can help to promote empathy and understanding. It is important for the media to present accurate and balanced coverage of the refugee crisis, and to avoid perpetuating stereotypes or stoking fear and hatred.

### *Ukraine versus Syria in Romanian discourses and media – an analysis*

When discussing the implications of political speech in combination with the political instability from that period, and the voices that were promoting anti-immigration attitudes could have been one of the main reasons why the Romanian citizens had a reserved attitude towards the Syrian refugees in 2015. Romanian media sources have covered articles about the government's refugee policies, as well as initiatives and attempts by non-governmental organizations and private citizens to support Syrian refugees. In contrast to other nations that have seen bigger inflows of refugees, however, the scope and intensity of media coverage have largely been lower.

In Romania the mass media talked about the refugee crisis in its early stages, portraying it more as a threat, especially to the EU. As seen in the third chapter Romania was noted as one of the main routes for the refugees

and most of those who arrived in Romania only transited the country. From March 2015 to June there was silence from the Romanian politicians; the government did not make any statements regarding the crisis.

The first one to open the refugee debate was Romania's prime minister at that time, Victor Ponta who criticized Hungary's decision to build a fence on its border with Serbia in order to keep the Syrian refugees from crossing into the Schengen space. By September the relationship between Romania and Hungary became more tense as the Romanian prime minister continued to attack Hungary's decisions in regard to the refugees, and also their initiative to build a fence alongside the Romanian border. The political discourse in Romania focused more on its issues with Hungary, despite the crisis reaching a climax, accusing them of interfering with Romanian politics. The first major reaction to the migration issue in Romanian politics regarding the EU was the opposition to the EU's new refugee quotas voted on by the interior ministers of 28 EU countries on September 22<sup>3</sup>.

The ex-president of Romania, Traian Basescu was one of the most vocal Romanian political figures and expressed openly his disagreement with Romania taking in Syrian refugees. In a statement made from the Digi24 news outlet in September 2015 he revealed that: 'I am a person who knows that within this wave there are Sunnis, Shiites, Alevis, Kurds who at their homes set bombs among themselves. We may have disputes with our Hungarian brothers, but we do not set bombs<sup>4</sup>. If we apply the discourse analysis method to his interviews we can observe that he repeatedly used terms such as: 'The Islamic State', 'terrorist attack', and 'threat', he promoted a negative attitude instigating hate and spreading fear among the Romanian civilians that were following the media discourse on the refugees topic. There were studies made, presented in previous chapters that showed a weak link between the refugees and terrorist attacks or radicalization.

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<sup>3</sup> Kantor Ana and Cepoi Victor; From Neglect to Crime - The Role of Media in the 2015th European Migration Crisis. A comparative study in three ECE countries: Romania, Hungary and Slovenia, in *Migration and Crime*, 2018, p. 9.

<sup>4</sup> Digi24, Traian Băseșcu Nu Vrea refugiați în România: Noi Ne Mai Înjurăm Cu Frații Maghiari, Dar Nu Ne Punem bombe, accessed 25 May 2023, <https://www.digi24.ro/stiri/actualitate/politica/traianbasescu-nu-vrea-refugiati-in-romania-noi-ne-mai-injuram-cu-fratii-maghiari-dar-nu-ne-punem-bombe435143>.

The Romanian mass media did not present too much interest in the refugees' topic until after the first half of 2015, the headlines talked about the Syrian civil war in general and the influx of refugees that Greece faced as one of the first EU members countries reached by the refugee wave. For Romania the year 2015 was a year of change, on 30 October a club in Bucharest caught fire during a concert, 400 people were present inside, initially only 27 people died and more than 180 were wounded; the final number of deaths counted as 64 people. The government declared a national mourning period and the civil society took to the streets; on 4 November the Prime-Minister Victor Ponta presented his resignation on the pressures of the citizens. The government changed, a new civic movement was formed and a bitter fight against corruption started in Romania. The news tabloids talked about these political and social changes, so there is little news regarding the refugee crisis and Romania relations. However, in the news articles that are still available, we can distinguish the pattern used for picturing the Syrian issue.

At the end of 2015, one of the biggest Romanian news outlets presented an overview of the refugee crisis "Criza migrației în 2015: cauze, provocări, bilanț și așteptări pentru 2016" ("Migration crisis from 2015: causes, challenges, balance and 2016 expectations"). The article presented the background of the refugees, the quotas that the European Union tried to impose, the human trafficking problem, and the agreements made with Turkey, Greece, and the Dublin Accord regarding limiting the African refugees to enter Schengen space. The article also talked about the popularity gained by the far-right political parties across Europe such as the "Freedom Party" in Austria, In Poland the "Law and Justice Party", "The National Front Party" in France led by Marine Le Pen, and the "Alternative for Germany Party". The refugee issue also sparked a discussion about how the worldwide environment will affect voters in Britain's referendum on quitting the European Union. The Romanian parties (the Popular Movement Party and the United Romania Party) that invoked xenophobic topics like the Islamist danger, Muslim immigrants, terrorism, and defending Christian Europe did not gain percentages in the polls<sup>5</sup>.

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<sup>5</sup> Momoc Antonio; Political Angles In The Romanian Online Media About The Refugees' Crisis And Islam. Traian Băsescu Case, EUROPOLITY, vol. 10, no. 1, 2016, p. 82.

The article discourse was neutral presenting real events across 2015 and having just an informative aim, without using any words that may instil panic and fear, not dramatizing the crisis, only stating facts and being a good example for the first type of theme identified above.

An article published on 15 November 2015 on MediaFax Romania news outlet presented the terrorist attack from Paris, the article title was 'Terrorist Attacks in Paris - more than 130 people, 2 Romanians were killed. Valls: France is at War. Six accomplices of one of the authors were arrested in France. Four people arrested in Brussels'<sup>6</sup>. At a simple look is obvious that the words that weighed the hardest were intentionally written only using captions to emphasize the severity of the situation. In the article we can find words like 'war', 'Islamic State', and 'Islamists', there is an emphasis on the number of deaths that were increasing, on the French attitude who demanded revenge and justice; it was also mentioned that two Romanians died in the attacks and most impactful for our study, that one of the attackers had a Syrian passport. This type of news could have influenced people and led them to believe that terrorists were hiding among the Syrian refugee and that an attack was possible at any time, in any of the countries that were accepting them. The usage of impactful words generated a feeling of fear and made the people worry about their security, leading them to make a connection between the refugees and the terrorism phenomena.

There is also a need of providing the media reactions on the Ukrainian refugees and how they impacted Romanian society. Firstly, I am going to present again the reactions of President Klaus Iohannis, also one of the best known and most controversial political figures at that time, Diana Iovanovici Sosoaca, independent parliament member and some other reactions from political figures. On the morning of 24 February 2022, just hours after Putin launched a 'special military operation' in Ukraine, Romania's Supreme Defence Council had a meeting.

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<sup>6</sup> Draghici Mihai; Atentate teroriste La Paris - peste 130 de Oameni, între care doi români, Au Fost Uciși. Valls: Franța e în război. șase complici Ai Unuia dintre autori, Arestați în Franța. Patru Persoane, Arestate în Bruxelles – Foto, video, Mediafax.ro, accessed 28 May 2023, <https://www.mediafax.ro/externe/atentate-teroriste-paris-pest-130-oameni-intre-doi-romani-au-ucisivalls-franta-e-razboi-sase-complici-unuia-dintre-autori-arestati-franta-patru-persoane-arestate-bruxellesfoto-video-14885752>

After the meeting the President, Klaus Iohannis, held a discourse<sup>7</sup> (the full discourse is available through the link in the footnotes section); the discourse was structured in order to ensure and calm the Romanian citizens who woke up to the news of war on their borders, on the 24 morning all the media channels were talking about the war and the threat of a new World War starting in Europe; a general feeling of panic was spreading through Romania. The President's speech emphasized the importance of the alliances Romania is part of, the protection Romanians were benefiting from, guaranteeing the safety of the borders and all citizens. He also talked about Russia as a threat, calling it the aggressor not only toward a peaceful sovereign country but toward democracy and its values. He encouraged the people to empathize with the Ukrainians affected by the war and talked about humanitarian aid. Due to the nature of the conflict and its proximity of it, his response was quicker and stronger than when faced with the Syrian refugee crisis, as this time whole Romanian nation felt directly threatened.

However, despite a great discourse of tolerance and encouraging the Romanian society to get actively involved in helping the refugees, in Romania in 2019 a new political party rose and gained followers. The Alliance for Unity of Romanians or simple AUR translated as Gold in English. The party motto is 'Justice for Romania and their agenda includes promoting and protecting the Family, Homeland, Faith, and freedom; for the first time in a long while in Romania rose an extremist right-winged party. From this party two important figures appeared in the Romanian political space, George Simion and Diana Iovanivici Sosoaca, she was later excluded from the party at the beginning of 2021. When the war started his reaction focused on the Romanian co-nationals that were living in Ukraine, around 500.000 and whose rights were not recognized by the Ukrainian government, attacking the bill previously presented that did not recognize the Romanians as a minority. He reassured the Romanians that Russia did not regard Romania as a threat and that the most important aspect are the Ro-

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<sup>7</sup> Rosioru Valentin; Klaus Iohannis: Rusia Este agresorul, nu victima. Vă ASIGUR: Niciun Român Nu Trebuie să se teamă, Europa FM, accessed 5 June 2023, <https://www.europafm.ro/klaus-iohannis-rusiaeste-agresorul-nu-victima-va-asigur-niciun-roman-nu-trebuie-sa-se-teama/>

manian citizens. He subliminally used a nationalistic discourse, he did not directly condemn Russia actions, nor he spoke about the refugees, he highlighted a delicate subject, the recognition of the Romanian minority, and encouraged the citizens to offer support to the 'real Romanians'<sup>8</sup> from Ukraine, not the Ukrainians.

As for Diana Sosoaca, she was one of the biggest spreaders of misinformation and fear among Romanian citizens, her behaviour was regarded as extremist and she was often using verbal violence. A news article from the 'Observatorul' outlet presents her reaction during the speech of Ukrainian President Volodimir Zelenski in the Romanian Parliament after 40 days of the war. The event was criticized in the press as the Romanian Prime Minister's speech was stuttered, there were technical issues, and the AUR parliamentarians came with Romanian flags in order to protest the Ukrainian flag that was raised in the Romanian Parliament. When Zelenski started his speech Diana Sosoaca left the room and declared: 'So I left the hall nicely, I can't sit and listen to the mess in the hall'<sup>9</sup>, the word she used in Romanian is closer to the word 'rubbish' from English rather than 'mess'.

She was regarded as a Russian propagandist, aggressively promoting a Eurosceptic discourse, and even a discourse against NATO, accusing the organizations of dragging Romania into a war on her social media live sessions. 'Do not allow any US division to escalate the conflict that is happening not between a RU and NATO, but between RU and UA for territories that previously belonged to Russia.' – Romanian Senator Diana Shoshoake rebelled and threatened President Klaus Iohannis with prison<sup>10</sup>, retrieved from Twitter. She emphasized numerous times that the war in Ukraine is

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<sup>8</sup> Apostol Ștefan; Reacția lui George Simion după atacul lui Putin în Ucraina. Mulți vor fi uimiți de mesaj, PlayTech Știri, accessed 6 June 2023, <https://playtech.ro/stiri/reactia-lui-george-simion-dupaatacul-lui-putin-in-ucraina-multi-vor-fi-uimiti-de-mesaj-477603>

<sup>9</sup> Observer redaction team, Reacția Diane Șoșoacă în timpul discursului lui Zelenski Din Parlamentul României. «Nu pot să ascult Mizeria Din sală», Observator, accessed 7 June 2023, <https://observernews.ro/politic/reactia-diane-șoșoacă-in-timpul-discursului-lui-zelenski-dinparlament-nu-pot-sa-ascult-mizeria-din-sala-465695.html>

<sup>10</sup> Digi24, Diana Șoșoacă, Folosită de Propaganda Rusă împotriva occidentului. Trolii Ruși inventează proteste împotriva trupelor NATO în România, accessed 7 June 2023, <https://www.digi24.ro/stiri/externe/diana-șoșoacă-folosita-de-propaganda-rusa-impotriva-occidentuluiiva-vom-baga-in-inchisoare-pentru-inalta-tradare-2133339>

their internal problem and that no other state or international organization should intervene. She led one of the most aggressive discourses against helping Ukraine; regarding the refugees she promoted the idea of helping the Romanians in need rather than refugees. She regarded the Russian aggression as being justified due to Ukraine wrongly occupying Russian lands, she also implied that Ukraine took Romanian territory in an attempt to turn Romanian society against the Ukrainians.

As for the news outlets we see again the theme of refugees and migration presenting how the EU was preparing to receive the new wave, the international reaction, and the sanctions that were applied to Russia. Romania followed the international decisions and supported the sanctions against Russia, starting to develop a policy of exclusion toward it.

The second theme that is often present in the media discourse was the threat of a new world war, Russia threatening NATO with nuclear war, NATO attempts to expand in the North with Sweden and Finland, European Union discussions with Moldova regarding a new enlargement, securitization on the eastern border of NATO, military deployments in Poland and Romania. This theme was more of a spreader of panic for the normal citizens, the readers regarded this kind of discourse as a preview for a worldwide conflict, there was a time when Romanians stormed the Passports General Direction in order to be prepared to flee from Romania in case of a possible expansion of the war.

The third recurring theme in the media discourse was the one regarding the refugees, the dramatic scenes from Mariupol, Herson, Harkiv, and many more, people stranded in localities without electricity or heating, photos of people fleeing from bombardments, but also numerous article about the courage of the Ukrainians, the elderly people that refused to leave in order to protect their homeland, women joining the battlefield, the goodbyes from the borders between families. This theme was one of the most impactful, it targeted the people's empathy, their pity and it pushed the people to get emotionally involved in the stories from Ukraine, it made them relate to the Ukrainians. I consider this type of media discourse one of the most impactful, along with the second type that was meant to install

fear in the general consciousness; people dominated by fear are easier to control, to indoctrinate.

Examples for these types of discourses are numerous from the live update on the EuropaFm website, which also has a Radio channel; the title announced that 'Russia launched an invasion on Ukraine from the North, South, and East. Kremlin announces the will to impose a 'neutral statute'<sup>11</sup>, the article was presenting Romania's reaction, the discourses of US President Joe Biden, EU's Ursula Von der Leyen's announcements regarding the first pack of sanctions, to update about the number of casualties in Ukraine and the forming of refugee queues at the border points with Poland and Romania.

MediaFax Romania articles about the evolution of the war and the sanctions after months since the beginning of the war: 'The Russo-Euro Atlantic conflict. Balance sheet after eight months of economic sanctions, cyber-attacks, and proxy war in Ukraine'<sup>12</sup>. It presents the 'economic war' with the sanction packages applied on Russia, how NATO supported the Ukrainian offensive with weapons and ammunition, the 'energy war' and Russia's attempt to leave Europa to freeze in the 2022/2023 winter, the issues regarding the cyber war that targeted more than Ukraine, countries such as Finland, Poland, Estonia, Bulgaria and also Romania. There is a new count of victims from both Ukrainian and Russian sides with the United States estimating around 70.000 to 80.000 Russian military casualties and Russia only recognizing the loss of 7184 people in Ukraine. The same contradictory numbers rise when counting on the Ukrainian side, Russia claimed to have killed around 61.207 and wounded 49.368 Ukrainian militaries. The United Nations numbers claimed to be neutral with 6221 civilian deaths and 9371 wounded civilians, while the Ukrainian government an-

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<sup>11</sup> Rosioru Valentin; Rusia a lansat O Invazie ASUPRA UCRAINEI Prin Nord, Sud și EST. Kremlinul Anunță că vrea să impună un «statut neutru» Kievului: Live update, Europa FM, accessed 7 June 2023, <https://www.europafm.ro/update-rusia-a-lansat-o-invazie-asupra-ucrainei-explozii-in-kiievi-in-alte-orase-mari-din-tara-vecina-video/>

<sup>12</sup> Stan Alexandru; Conflictul Ruso-Euroatlantic. Bilanț după opt luni de Sancțiuni Economice, Atacuri Cibernetice și război proxy în Ucraina, Mediafax.ro, accessed 8 June 2023, <https://www.mediafax.ro/externe/conflictul-ruso-euroatlantic-bilant-dupa-opt-luni-de-sanctiunieconomice-atacuri-cibernetice-si-razboi-proxy-in-ucraina-21270701>

nounced numbers as high as 7000 – 29.125 for civilian casualties. This type of articles had the purpose of only keeping the Romanians updated presenting an overview of the war from a neutral point of view trying to portray an accurate picture. On the contrary of this, there were numerous media articles that talked about a Nuclear war, Armageddon, and the end of the world such as the one I retrieved from the Antena 3 webpage from 7 October 2022 titled: `War in Ukraine, day 226. What Joe Biden's nuclear apocalypse warning is based on`<sup>13</sup> we have world `war` and especially impactful, the expression `nuclear apocalypse` the article states that Armageddon is drawing closer, and there were articles that spoke about the best places to hide in case of a nuclear war, it was also a period when Romanians due to the panic generated by the news started buying and taking iodine pills in order to increase their resistance to radiations. So we can conclude that this type of news was creating a climate of fear and uncertainty among all citizens.

The last type of news, the ones that influence the most the civic society reaction were the ones regarding the ordinary Ukrainians whose lives were destroyed by the war, the pictures of mothers with children crossing the border in Romania in the cold weather of February, husbands, fathers, and sons leaving their families at the borders and going back to join the war, the photos of people under the ruins of their houses.

An article from 25 February 2022, just a day after the war started was published by Digi 24 and was titled: `Thousands of Ukrainians fled the war and came to Romania. The men brought their families to the border and then returned to fight`<sup>14</sup>, the article already weights hard from the title and it presents the situation at the Romanian crossing points, thousands of refugees that fled from the war and were waiting to pass in Romania, excep-

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<sup>13</sup> Antena 3 redaction team, Război în Ucraina, Ziua 226. Pe Ce Se Bazează avertismentul Cu Apocalipsa nucleară, lansat de Joe Biden, Antena 3 CNN, Exclusive News Channel Partner, accessed 8 June 2023, <https://www.antena3.ro/externe/razboi-ucraina-rusia-7-octombrie-2022-653729.html>

<sup>14</sup> Digi24, Mii de ucraineni au fugit de război și au venit în România. Bărbații și-au adus familiile până La Graniță și apoi S-au întors să lupte, accessed 10 June 2023, <https://www.digi24.ro/stiri/actualitate/mii-de-ucraineni-au-fugit-de-razboi-si-au-venit-in-romaniabaratii-si-au-adus-familiile-pana-la-granita-si-apoi-s-au-intors-sa-lupte-1850285>

tion made the man between 18 and 60 years who were required to remain and fight. The Romanian volunteers from Siret revealed that: 'I don't know if those who are leaving have impressed me greatly. I was impressed by those who returned to fight for Ukraine' another volunteer added: 'I saw many mothers with children in their arms. Men have been stopped since last night, those between 18 and 60 years old, and surely this separation has affected them deeply'<sup>15</sup>.

In 'Stirile ProTV' news outlet one of the biggest in Romania, one of them was titled: 'Ukrainian officials tell residents to leave Herson town as Russia intensifies the attacks' and the content was dramatic; in this article, a Ukrainian woman, Katerina Malenkova, talks about her mother who chose to remain in her house in Herson till the end despite the danger. We can identify impactful words such as 'civilian targets', 'war prisoners', and 'bombings' and the emphasis put on the hardships faced by those who had to remain behind with their old or sick parents.

We can conclude that by presenting the refugee situation in this manner, without portraying them as a threat especially since a significant part of them only transited Romania, the Romanians were not so reticent in welcoming them and their effort and organization were praised on the international level. The newspaper 'Time' took an interview with one of the first Romanians to arrive at the Siret border point, his name is Daniel Condurache and he related that when he arrived early in the morning of 24 February alongside him were some Orthodox priests who were helping with translation and other two people, but dozens of Romanian volunteers were on their way to the border points: 'Today, ordinary Romanians flank both sides of the dusty road leaving the border crossing, offering food, water, and essentials like soap and diapers to Ukrainian refugees. Lawyers offer free advice on asylum procedures; others, like Condurache, offer transportation and shelter'<sup>16</sup>.

Even if the Romanians seemed to accept or to be more neutral when it came to the Syrian refugees in the beginning of the crisis, the context be-

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<sup>15</sup> *Ibidem*.

<sup>16</sup> Campbell Charlie, Romanians embrace Ukrainian refugees despite past tension, Time, accessed 10 June 2023, <https://time.com/6152201/romania-ukraine-refugees-solidarity/>

hind it was due to a weak political discourse on the matter and little news involving the refugees and the possibility of them settling in Romania. As more time passed, the internal balance of Romanian politics started to crumble and the civic society focused on their own war against corruption rather than volunteering and accommodating the refugees that were to come. To this, we can add the terrorist attacks that completely shifted the whole European position toward Syrians and the discourse of xenophobia that Traian Basescu promoted in Romania. Syria had its share of dramatic moments, the refugees' encountered hardships on their way to Europe and unfortunately when they arrived at the EU borders some were faced with violence due to prejudices.

Ukraine on the other side was Romania's neighbour, was in Europe, and was defending against Russia. The discourses in Romania focused the most on how impressive the civic society organized, how hospitals offered priority to the Ukrainian refugees, and how many hotels/air B&B's owners offered their establishments free of charge for the refugees and the restaurants that provided warm meals. Perhaps behind these attitudes stood the panic and the threat Russia was instilling among the Romanian citizens, doubled by the worries for the Moldavians who were not protected by the EU or NATO.

## Conclusions

The refugee phenomenon has both humanitarian and security implications, the cases are nuanced, and change based on their background and culture, the international response is also different on every refugee wave. This thesis aimed to find out what changed the Romanian society's attitude toward refugees from 2015 to 2022; why the Ukrainians were welcomed, and the Syrian faced judgment and reticence.

I want to emphasize that Romania is considered a country of emigrants; Romania did not represent a route of migration for any refugee wave before and even after 2015 and Romania was mostly a transit country despite a great number of Ukrainian refugees settling, a higher number of them only transited Romania. From the UNCHR Romania annual report:

Starting from February 24th, over 2.46 million border crossings from Ukraine and the Republic of Moldova to Romania have been recorded. As of December 27th, 2022, a total of 106,542 Ukrainian refugees are present in the country, with 101,641 refugees registered for temporary protection in Romania, according to the Romanian Government's data. Women and children represent 80% of the refugee population<sup>17</sup>.

In comparison to the central and western regions of the continent, South-Eastern Europe in particular has a more diverse ethnic population. Ethnic diversity is intimately linked to accepting multiculturalism in Western Europe, although in the periphery of the continent, it is a legacy of the Ottoman Empire; from this, we trace the powerful resistance to change manifested by the Romanian people. Due to the country's history of fragmentation (Wallachia, Transylvania, Bukovina), the people fought the conquerors' oppression by taking refuge in their faith and culture in order to preserve their identity as Romanians and alterations to the Romanians' culture are perceived as an offense to the ancestors.

As stated, numerous times, mass media holds great power in modern society, breaking news with shocking titles, clickbait phenomena, and controversy. Mass media can control the opinions of society by using different themes, as already identified, that will mold all types of personalities. There is a wide range of mass-media articles from those that inspire fear and anger to those that generate compassion and call on the readers' empathy. It is well known that people tend to read the news that validates their opinions and beliefs, so media outlets build news for everyone, sometimes spreading misinformation by doing so. Depending on the way an article was written, and the frequency of certain words that were highlighted or used in captions, people will be subconsciously influenced. The more the idea that Syrians were terrorists and the countries that accepted the highest numbers were targeted by terrorist attacks and ISIS, the more the readers were convinced that there was a link between terrorism and the refugees, even if the specialized literature proved different.

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<sup>17</sup> UNHCR Romania, Raportul anual Al Unhcr Romania, January 2023, accessed 3 June 2023, <https://www.unhcr.org/ro/15355-unhcr-overview-2022.html>

For Ukraine, the discourse was straight to people's hearts, it made Romanians feel in danger as many voices were talking about Russia's expansion toward all the ex-soviets countries and it made them relate to the refugees, questioning if they were going to be next. An influx of stories about families that were ripped apart by the war, volunteers' statements about the dramatic scenes from the border crossing points, people gathering in Romania from all around the world to help with the refugees and the human rights violations Russia was making in Ukraine.

Another worth mentioning factor is the conflict between generations. Despite numerous initiatives and internal changes, Romania still has difficulties integrating and resettling refugees. Concerns concerning the efficacy of reception centers and the shortage of adequate facilities for migrants with special needs have been raised, many refugees have reported facing difficulties while finding housing, education, and jobs.

Additional factors that need to be taken into account and cannot be controlled are the political and economic stability of the country during the refugee waves, as in 2015 Romania was facing a political crisis and this feeling of uncertainty could have affected the citizen's attitude, it is harder to accept and integrate refugees in a country that does not have a stable political system. For the Ukrainian refugees, there was more of an economic issue that could have pushed people to be against their settling in Romania, the labor market competition refugees could generate, and the impact on the state budget. In addition to this, Romania was still recovering from the COVID-19 pandemic and like, many other European states, right-winged extremism was on the rise.

There are two categories of factors that can influence people's opinions, those that can be controlled: mass media and political discourses, and the ones that cannot be changed: the economic and political stability of the country, the proximity of a conflict, and the history between states. We can conclude that even if some factors remain invariable, the way a crisis is delivered by the news outlets and by the people in power in a country will change some opinions on that subject. Romania improved its response to a crisis from 2015 to 2022, but it still needs to take additional steps to ensure the successful resettlement and integration of refugees as well as to combat

xenophobia and prejudice against them in Romanian society. This thesis proved that there is not a universal factor that triggers a negative response, each individual responds to external influences in a different way and builds his/her opinions based on more sources; however, it is possible to control people's perception of a certain topic by using either a neutral discourse or calling on their empathy.

In conclusion, this thesis contributes to the development of this field, furthering the research on relationships between refugees and the host countries' citizens' perception of internal security. This paper increases the available literature regarding the Russian-Ukrainian war and the new refugee wave of Ukrainians that hit Europe at the end of February 2022. The study proves that it is possible to alter a person's opinion on a certain matter using external factors such as media and political discourses. In addition, it is also important when analyzing this subject to take into account the shared history and cultural differences between the involved nations for a better understanding of the host country citizens' actions.

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# THE INTERPLAY RECOGNITION BETWEEN MIGRATION MOVEMENTS AND EUROPEAN AVIATION SECURITY WITHIN A SECURITY NEXUS IN THE CONTEMPORARY SOCIETY

Marian TOADER<sup>1</sup>

**ABSTRACT:** Europe has a well-developed aviation network, with numerous airlines and airports connecting countries within the continent and beyond. Air transport can facilitate migration, but also makes short-term, long-distance migration more feasible, making it easier for migrants to maintain contact with their home country. International air transport forms a true virtuous circle, because the connectivity achieved through this sector implicitly contributed to the continent's economic development, also facilitated by the liberalization of the European Union's internal aviation market, which had a tremendous role in the transformation of the EU in the last decades, as now millions of Europeans could travel, work or study throughout Europe. It can be agreed that the civil aviation in our contemporary society enables people to migrate for various reasons, such as work, education, family reunifications, or seeking refuge. In addition to examining the short-term effects of air transportation systems on labour migration and related approaches that concern policing and securitization processes, the current paper aims to analyse the impact of the migration phenomenon on the industry, and identify and present any immediate welfare potential for passengers.

*Keywords:* migration; international relations; external politics; aviation security; aviation diplomacy; international cooperation

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## Introduction

This paper examines the interplay between migration movements and airport security within a security nexus. From a security studies perspective, European aviation is generally well renowned for its implementations of aviation security measures. European countries have established comprehensive security frameworks and regulations to ensure the safety and security of air travel, and a well-developed aviation network has been thus shaped during the course of the past decades. As far as migration movements are concerned, this flow is being described in specialized articles as “the number of migrants entering or leaving a given country during a given period of time, usually one calendar year”<sup>2</sup>.

## Research question

The research question proposed for this publishing is: “How can the interplay between migration movements and European aviation security be better understood and effectively managed within the framework of a Security Nexus in our contemporary society?”

The reason for choosing this theme stands behind a varying context of potential emerging security concerns, starting from Samuel Makinda’s definition of security as “the preservation of the norms, rules, institutions and values of society”<sup>3</sup> which “range from traditional or conventional modes of military power, the causes and consequences of war between states, economic force, to ethnic, religious and ideological conflicts, trade and economic conflicts, energy supply, science and technology ... climate change and the activities of non-state actors”<sup>4</sup>. Furthermore, throughout the graduated college and master degree programs focusing on Security Studies at the Babeş-Bolyai University<sup>5</sup>, I immersed myself in the intricate study of the migration phenomenon and its interconnectedness with geopolitics in par-

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<sup>2</sup> United Nations, *Handbook on Measuring International Migration through Population Censuses*, New York, 2017, p. 10, Available online: <https://unstats.un.org/unsd/statcom/48th-session/documents/BG-4a-Migration-Handbook-E.pdf>, accessed in 07.10.2023.

<sup>3</sup> Samuel Makinda, “Sovereignty and Global Security”, in *Security Dialogue*, 1998, Sage Publications, Vol. 29(3), pp. 281-292.

<sup>4</sup> Universidad Europea, “International security threats – What are the main ones?”, accessed in 10.10.2023, <https://universidadeuropea.com/en/blog/international-security-threats/>

<sup>5</sup> Universitatea Babeş-Bolyai, “Programul de masterat Managementul securităţii în societatea contemporană”, accessed in 10.10.2023, [https://hiphi.ubbcluj.ro/studii/master/Securitate\\_master.html](https://hiphi.ubbcluj.ro/studii/master/Securitate_master.html)

ticular regions. The research objective of this work is to examine the interplay between migration and aviation security, the theoretical framework for the study is based on the following key concepts: migration, aviation security, and risk management. Hence, it is with great honour that I get to continue my studies at the Doctoral School of International Relations and Security Studies of the Babeş-Bolyai University in Cluj-Napoca and advance my research on this current topic.

## **Securing skies and bridging continents: the role of aviation in facilitating migration**

Human migration has been occurring for as long as humans have existed. The earliest humans were nomadic, meaning they moved from place to place in search of food and water. Such movements have been an integral part of human history and have had a significant social, economic, and cultural impact globally. Understanding migration movements is crucial in addressing the complexities and challenges associated with population shifts, and, hence, it could be agreed that “transportation has also been a factor influencing migration patterns”<sup>6</sup>. In our contemporary society, migration is increasingly taking place within a security nexus, meaning that it is interconnected with a wide range of security challenges, including terrorism, extremism, organized crime, and human trafficking.

As far as the correlation between air transportation and migration movements in Europe is concerned, it must firstly be mentioned that air transportation plays a significant role in facilitating migration movements across Europe. Air travel allows individuals to easily reach destinations where temporary migration, refugee, asylum-seeking and labour opportunities are available, as people move to new areas for a variety of reasons, such as economic opportunities, religious freedom, or to escape conflict. Migration can influence aviation policies in a number of ways, such as necessity of governments to implement stricter immigration controls at airports, “improving the management of new arrivals and making returns of illegal migrants more efficient”<sup>7</sup> in response to concerns about illegal immigration or terrorism, and abilitated actors may also increase funding for aviation security

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<sup>6</sup> Nadine Itani, “This is How Migration is Reshaping Air Transport”, accessed in 12.10.2023, <https://newairportinsider.com/articles/this-is-how-migration-is-reshaping-air-transport>

<sup>7</sup> European Parliament, “Countering irregular migration: better EU border management”, accessed in 12.10.2023, <https://www.europarl.europa.eu/news/en/headlines/society/20170627STO78419/countering-irregular-migration-better-eu-border-management>

in response to these concerns. Therefore, the European skies are rather crucial for ensuring the safe travel for millions of passengers each year, while safeguarding the skies means ensuring the smooth functioning of the aviation sector, this also subsequently supports various businesses, tourism, and trade, whilst promoting international cooperation and coordination among regulatory bodies, airlines, and aviation stakeholders worldwide, through which the best related practices or collective efforts aimed to improve safety standards globally<sup>8</sup> can be developed and implemented. Such collaborations can help ensuring that everyone is working towards the same goals, and airports are willing to work with immigration authorities, airlines, and non-governmental organizations to develop and implement effective migration management strategies<sup>9</sup>. The United Nations Humanitarian Air Service (UNHAS), managed by the World Food Programme (WFP) is “the only humanitarian air service that gives equal access to all humanitarian entities”<sup>10</sup>. UNHAS is essential in the interplay recognition between migration movements and aviation security given that the service has a cost-effective and efficient way to deliver humanitarian assistance to people in need, representing “the link between isolated, vulnerable populations battling emergencies and their long-term effects and the humanitarian actors who can rescue, assist, and protect them”<sup>11</sup>, since UNHAS uses its own fleet of aircraft, which it operates on a dedicated humanitarian basis; “On average, the air service agency transports 32,000 passengers and 300 tons of cargo to 323 regular destinations in 16 countries per month”<sup>12</sup>.

UNHAS has worked closely with humanitarian partners to coordinate air operations and ensure that resources are reaching those in need in a timely and effective manner, providing air transport for humanitarian workers, medical supplies, and relief items on the Service areas of operation. UNHAS operates in strict

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<sup>8</sup> International Civil Aviation Organization, “Global Aviation Safety Plan 2020-2022”, accessed in 15.10.2023, <https://www.icao.int/safety/GASP/Documents/Doc.10004%20GASP%202020-2022%20EN.pdf>

<sup>9</sup> European Commission, “Migration management: Toolbox to address the misuse of commercial transport for irregular migration to the EU”, accessed in 15.10.2023, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_23\\_3057](https://ec.europa.eu/commission/presscorner/detail/en/ip_23_3057)

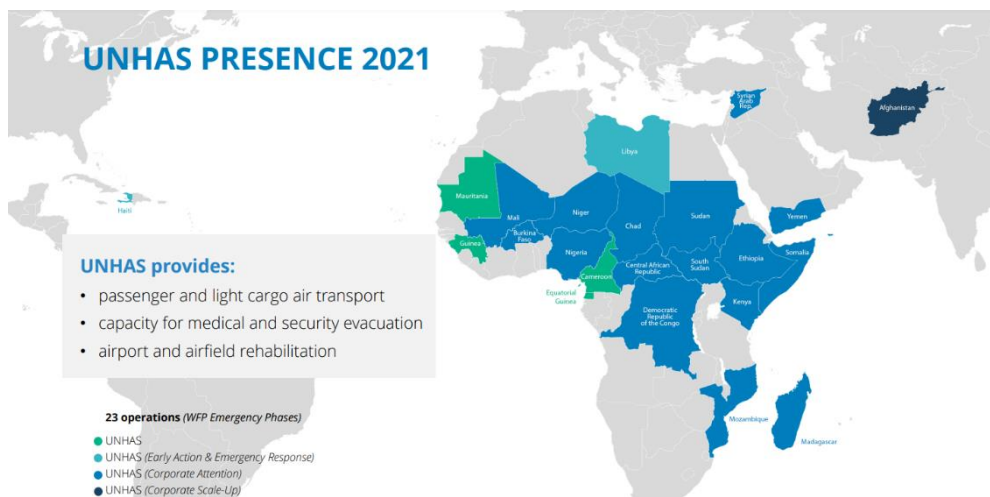
<sup>10</sup> World Food Programme, “UN Humanitarian Air Service”, accessed in 15.10.2023, <https://www.wfp.org/unhas>

<sup>11</sup> Idem, *UNHAS Annual Review 2022 - A link between crisis-affected populations and humanitarian actors*, p. 4, Available online: [https://docs.wfp.org/api/documents/WFP-0000150232/download/?\\_ga=2.135220466.2128212905.1705303829-1546928532.1705303829](https://docs.wfp.org/api/documents/WFP-0000150232/download/?_ga=2.135220466.2128212905.1705303829-1546928532.1705303829), accessed in 18.10.2023

<sup>12</sup> Linnea Ahlgren, “Why The United Nations Owns Aircraft”, accessed in 18.10.2023, <https://simpleflying.com/united-nations-aircraft/>

compliance with international aviation security standards and regulations. The service maintains high levels of security at its airports and airfields, conducting thorough security checks on all passengers and cargo, so its passengers “shall follow specific Terminal and Check-in Instructions shared by UNHAS”<sup>13</sup>. UNHAS plays a vital role in addressing the security nexus of migration and global aviation security, since the Service provides humanitarian assistance and helps maintain aviation security where active, all while working in close cooperation with its partners. UNHAS is a model of how, by the way of aviation, complex humanitarian and security challenges are being addressed.

By providing essential air transport, promoting dialogue and cooperation, and ensuring the safety and security of humanitarian assistance, the service has been used to deliver humanitarian aid to refugees and internally displaced persons (IDPs) in Syria, Iraq, and Yemen. UNHAS plays a vital role in protecting the lives and livelihoods of people affected by migration, and to evacuate people from conflict zones in South Sudan, the Democratic Republic of the Congo, and the Central African Republic<sup>14</sup>.



**Map 1.** United Nations Humanitarian Air Service presence, 2021

Source: [https://executiveboard.wfp.org/document\\_download/WFP-0000140286](https://executiveboard.wfp.org/document_download/WFP-0000140286)

<sup>13</sup> World Food Programme, *UNHAS STEP BY STEP GUIDE TO PASSENGER BOOKING*, p. 5, Available online: [https://s3.eu-west-1.amazonaws.com/logcluster-production-files/public/unhas\\_haiti\\_step\\_by\\_step\\_passenger\\_booking\\_guide-oct2020f.pdf](https://s3.eu-west-1.amazonaws.com/logcluster-production-files/public/unhas_haiti_step_by_step_passenger_booking_guide-oct2020f.pdf), accessed in 18.10.2023.

<sup>14</sup> Idem, *United Nations Humanitarian Air Service (UNHAS) - 2020 Overview*, p. 18, Available online: <https://docs.wfp.org/api/documents/WFP-0000129673/download/>, accessed in 19.10.2023.

## **An impact case study of the Russian-Ukrainian conflict on air migration**

Since Russia invaded Ukraine in February 2022, a number of aviation regulations have been implemented to address the conflict and its impact on air travel. These regulations have been issued by the International Civil Aviation Organization (ICAO), whose Council “further underscored the paramount importance of preserving the safety and security of international civil aviation and the related obligations of Member States, and in this context, urged the Russian Federation to cease its unlawful activities to ensure the safety and security of civil aviation in all affected areas, and to respect its obligations under the Chicago Convention as well as other relevant international air law treaties”<sup>15</sup> as well as individual countries, whose regulations may vary from country to country, but they often include restrictions on flights to and from Ukraine: “Romania has imposed additional flight restrictions in parts of its air space along the border with Ukraine, as Russian attacks on Ukraine's Danube river ports have intensified... Romania first enforced restrictions along the border with Ukraine in May 2022, for up to 8 kms inside national air space, to a height of up to 1,000 metres”<sup>16</sup>.

The closure of Ukrainian airspace and the suspension of commercial flights on February 24<sup>th</sup> 2022<sup>17</sup> have had a devastating impact on the Ukrainian economy, and the freezing of this sector has caused widespread hardship in an unprecedented refugee crisis in the Europe of the 21<sup>st</sup> century. “But that doesn't mean that flight attendants and pilots have been out of work. Since the first days of the war, they have been flying humanitarian and evacuation flights to the closest airports to Ukraine... Some of the aircraft of Ukrainian airlines are on wet lease, which involves renting an aircraft with the entire crew. This has allowed Ukrainians to keep their jobs and support the economic front by paying taxes”<sup>18</sup>. Human resources

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<sup>15</sup> International Civil Aviation Organization, “ICAO Council condemns violation of territorial integrity and airspace of Ukraine”, accessed in 19.10.2023, <https://www.icao.int/Newsroom/Pages/ICAO-Council-condemns-invasion-of-Ukraine.aspx>

<sup>16</sup> Luiza Ilie, David Holmes, “Romania extends flight restrictions along Ukraine border”, accessed in 19.10.2023, <https://www.reuters.com/article/ukraine-crisis-romania/update-1-romania-extends-flight-restrictions-along-ukraine-border-idUSL1N3AQ272/>

<sup>17</sup> Safe Airspace, “Conflict Zone & Risk Database”, accessed in 19.10.2023, <https://safeairspace.net/ukraine/>

<sup>18</sup> Visit Ukraine, “World Flight Attendant Day: what is the state of Ukraine’s civil aviation and where are Ukrainian planes and crews now?”, accessed in 19.10.2023, <https://visitukraine.com/>

will certainly remain an important element in aviation security management, and related duties can be enhanced with technology. Artificial intelligence (AI), whose algorithms “can detect anomalies, predict potential risks, and provide early warnings to airport personnel. AI is able to detect unauthorized entries and can identify potential threats like left luggage”<sup>19</sup>, and digitization can transform the way airport security is conceptualized, designed, developed and maintained in these quite revolutionary processes that could change the industry for the better. The need for investment is massive, as international aid for research and development in this sector may be greatly needed for building consistency in what concerns security ambitions, deadlines, regulations and certification standards worldwide, whilst also to bridge the gap between security assets acquisition costs and affordable market prices since “the extent to which travellers will feel the effects of the war depends on where they’re going... the rising price of oil will likely affect all airline ticket prices, even on domestic routes”<sup>20</sup>.

It is important that a multifaceted analysis focusing on a certain region in a state of conflict is approached with rigorous delimitations of borders by the delegated policymakers, so that a geopolitical context is clearly presented, and implementation on the bureaucratic side can be sped up. Capabilities to provide modern and useful infrastructure vary from country to country, but it can be agreed that “whilst each airport type has a different starting point, purpose, and development journey, it became clear when talking to the leaders that there are universal trends”<sup>21</sup> and awareness is continuously mentioned in the guidelines of the specialized authorities, as in the case of Frontex<sup>22</sup>, which “organised humanitarian flights to help non-Ukrainian citizens fleeing the war in Ukraine reach their home countries safely. Frontex supported the organisation of 19 humanitarian return flights helping 732 non-EU citizens fleeing the war. Humanitarian voluntary return flights

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today/blog/2226/world-flight-attendant-day-what-is-the-state-of-ukraines-civil-aviation-and-where-are-ukrainian-planes-and-crews-now

<sup>19</sup> Isarsoft, “AI in Airports”, <https://www.isarsoft.com/article/ai-in-airports>, accessed in 19.10.2023.

<sup>20</sup> Elaine Glusac, “Changed Itineraries, Higher Fares: How the War in Ukraine Is Affecting Travel”, accessed in 19.10.2023, <https://www.nytimes.com/2022/03/09/travel/ukraine-russia-travel-plans.html>

<sup>21</sup> Oliver Wyman, “Evolution Of Airports – Travel Trends In The Next 30 Years”, accessed in 19.10.2023, <https://www.oliverwymanforum.com/mobility/2023/jun/airport-evolution-travel-trends-by-2050.html>

<sup>22</sup> Frontex, “Who we are”, accessed in 19.10.2023, <https://www.frontex.europa.eu/about-frontex/who-we-are/tasks-mission/>

were carried out from Poland to Armenia, Azerbaijan, Kyrgyzstan, Tajikistan and Uzbekistan in cooperation with the relevant embassies"<sup>23</sup>.

The situation in the country is still very volatile, and it would be rather difficult to predict a time interval for when commercial flights will be able to operate safely again. However, some of the key factors that will need to be considered before airfares to Ukraine can resume, such as the resolution of the conflict in Ukraine, which arguably has already "heavily shaped the future outlook of the aviation sector in many different ways. Coming on the back of a hugely disruptive two years related to the COVID-19 pandemic"<sup>24</sup>, "the industry's hopes of emerging into a 'new normal' may have to be put on ice"<sup>25</sup>. As the society has gradually emerged from the grips of the pandemic, Ukraine still finds itself in a unique situation, and the nation must now navigate the path towards a new normal whenever stability and peace will be restored, as previously reiterated by The European Council: "Ukraine's commitment and substantial efforts to meet the required conditions in its EU accession process. It encourages Ukraine to continue on its path of reforms. The European Union will continue to work closely with Ukraine and support its efforts to fully meet all conditions"<sup>26</sup>.

The availability of insurance for flights in the region could be placed as a second, but equally important key factor, as presented by the Allianz Commercial centre of expertise: "The largest exposure related to the conflict is likely to come from aviation insurance lines, in particular special war covers for aircraft leasing companies... Notifications have been made to the insurance market by aircraft leasing companies, although this unprecedented situation is complex in terms of policy and legal interpretation and could take many years to resolve"<sup>27</sup>. In the meantime, although the scars of this invasion may still be fresh for the affected

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<sup>23</sup> Idem, "Update on Ukraine: more than 6 million refugees cross EU's borders", accessed in 19.10.2023, <https://www.frontex.europa.eu/media-centre/news/news-release/update-on-ukraine-more-than-6-million-refugees-cross-eu-s-borders-xgNX2Q>

<sup>24</sup> International Civil Aviation Organization, "Effects of Novel Coronavirus (COVID-19) on Civil Aviation: Economic Impact Analysis", accessed in 19.10.2023, [https://www.icao.int/sustainability/Documents/COVID-19/ICAO\\_Coronavirus\\_Econ\\_Impact.pdf](https://www.icao.int/sustainability/Documents/COVID-19/ICAO_Coronavirus_Econ_Impact.pdf)

<sup>25</sup> Brookfield Aviation, "The Impact of the War in Ukraine", accessed in 19.10.2023, <https://www.brookfieldav.com/single-post/the-impact-of-the-war-in-ukraine>

<sup>26</sup> International Institute for Strategic Studies, "The Looming Aftermath of War in Ukraine: Connecting Post-war Recovery, Security Guarantees and Domestic Defence Capabilities", accessed in 10.12.2023, <https://www.iiss.org/publications/armed-conflict-survey/2023/the-looming-aftermath-of-war-in-ukraine/>

<sup>27</sup> Allianz Commercial, "Ukraine invasion: claims activity manageable, but uncertain", accessed in 19.10.2023, <https://commercial.allianz.com/news-and-insights/expert-risk-articles/claims-report-22-ukraine-invasion.html>

population and the ongoing conflict and political instability in certain regions of Ukraine still pose risks to aviation security, the Ukrainian government is eager to work on developing an insurance scheme given the fact that “the Russia-Ukraine war has shown that gaining air superiority requires the ability to continuously monitor and integrate information on the disposition of adversary forces”<sup>28</sup> by remaining dedicated to continuous monitoring, analysis, and adaptation of security protocols to address emerging threats effectively. Although currently, “private sector firms will be crucial in the efforts of rebuilding the country, but the architects, engineers and construction companies that will carry out this work currently struggle to secure the insurance they need to operate in a warzone”<sup>29</sup>. Even if insurance coverage becomes widely available in the upcoming period, airlines are likely to be hesitant to resume flights to Ukraine unless airlines and governments are confident that the risks have been adequately mitigated, or the risks associated with flying in the region have been significantly reduced before coverage is provided, meaning that it may take some time for commercial air travel to resume in the country.

The past two years have seen a dramatic shift in the aviation security situation and migration patterns in Ukraine due to the ongoing conflict. The closure of Ukrainian airspace, coupled with the imposition of sanctions on Russia, has made it extremely difficult for airlines to operate in the region, effectively halting commercial air travel to and from Ukraine, having a profound impact on the national economy and on the ability of migrants to travel safely and securely as almost one third of Ukraine's total population has been forcibly displaced: “As a result of heavy shelling and fighting, an estimated 5.1 million people have been driven from their homes and are internally displaced and more than 6.2 million people have crossed into neighbouring countries in the region including Romania, Poland, Hungary, Moldova and other countries globally. Poland has welcomed the greatest number of Ukrainian refugees, hosting nearly 60 percent of all refugees from Ukraine”<sup>30</sup>. Some individuals seeking to flee Ukraine might often face significant

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<sup>28</sup> Jaganath Sankaran, “How Ukraine Fought Against Russia’s Air War”, accessed in 18.10.2023, <https://www.lawfaremedia.org/article/how-ukraine-fought-against-russias-air-war>

<sup>29</sup> Yiannis Kotoulas, “Briefing: New war facility in Ukraine a shining example of what insurance can be”, accessed in 10.12.2023, <https://www.insurancetimes.co.uk/analysis/briefing-new-war-facility-in-ukraine-a-shining-example-of-what-insurance-can-be/1446021.article>

<sup>30</sup> United Nations High Commissioner for Refugees, “UKRAINE EMERGENCY”, accessed in 10.12.2023, <https://www.unrefugees.org/emergencies/ukraine/>

obstacles, sometimes being forced to rely on irregular migration routes, which can turn to be dangerous and exploitative process, for refugees that use these routes are at risk of being kidnapped, injured or abused and they may also be subjected to harsh conditions such as overcrowding, poor sanitation and lack of access to food and water. With an influx of displaced individuals from a conflict-ridden region, it becomes imperative to address the security risks associated with refugee travel and to find ways to maintain and increase professionalism and operability in the sector, as well as identifying and analysing the best ways of associating the private sector with the public sector, where traditionally, in many European regions, public airports are still under the management local governments, municipalities or states, which in the case of Ukraine “provides implementation of state policy in the field of civil aviation (the competent authority for civil aviation)”<sup>31</sup> that could create greater funding opportunities to maintain, rebuild or construct the airports that our contemporary society needs.

Henceforth, the security nexus interplay is a relevant concept in the context of Ukraine, since the crisis involves multiple interconnected security dimensions such as political, military, economic, and societal factors and the approached concept refers to the interlinked nature of security threats and challenges, “concerning on a general idea of how societal security and development best is achieved and maintained and how the civil and the military in international operations should approach crisis, conflicts and other concerns in post-conflict countries”<sup>32</sup> and the need for a comprehensive and coordinated approach to address them. Additionally, this interplay highlights the importance of addressing the root causes of the Ukrainian refugee crisis. By promoting stability, peace, and conflict resolution, security managers can alleviate the burden on aviation security and restore safety for all passengers. Long-term solutions, such as international cooperation in resolving conflicts and investing in humanitarian aid, can diminish the frequency and severity of crises that might trigger mass migration. While the journey towards a new normal may be fraught with challenges and uncertainties in Ukraine, the nation's unwavering determination to overcome adversity is unlikely to waver soon. If the weight of the invasion lifts, the Ukrainian people will be able to seize the opportunity of emerging stronger, more resilient, and more united than ever before, forg-

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<sup>31</sup> Logistic Cluster, “Ukraine- 2.2 Ukraine Aviation”, accessed in 18.10.2023, <https://dlca.logcluster.org/22-ukraine-aviation>

<sup>32</sup> Viktor Johansson, *The Security and Development Nexus: A Policy Analysis*, p. 1, Available online: <https://www.diva-portal.org/smash/get/diva2:784285/FULLTEXT01.pdf>, accessed in 20.10.2023.

ing a future rooted in solidarity and peace, letting for the scars of the invasion to serve as a reminder of the nation's indomitable spirit and resilience abilities shown since the start of the invasion. As far as this present work is concerned, the security nexus is showcased in the interplay between aviation security and the Ukrainian refugee crisis, with a multitude of societal and security issues intertwining to highlight the interconnectedness of the global security landscape since aviation is deeply intertwined with migration, refugees and asylum seekers, underlining that airport security and the ongoing war have had significant impact on both of these study areas, and that is important to be analysed together if we were to create a fitting pattern that is presenting context, highlighted through a number of theoretical intersections which lead to the development of effective solutions moving forward.

## **Beyond language barriers: Fostering a culture of safety and compliance**

The migration phenomenon also results in increased cultural diversity among passengers. Airlines need to adapt their services to cater to different languages, cultural preferences, and religious requirements. This can include multilingual cabin crews, diverse catering options, or offering specific services to facilitate the journey for migrants. As far as food safety is concerned in this context, recent studies show that “the quality and diversity of in-flight meals can greatly influence a traveller’s overall flight experience... With flights connecting different parts of the world, airlines cater to a multicultural passenger base with varied culinary preferences. Market research allows airlines to stay updated on global food trends and incorporate popular and contemporary dishes into their menus”<sup>33</sup>. From a consumption point of view, food and beverages served on board is usually an important consideration aspect for passengers, that is why the concept of food security and the operational procedures related to the food preparation and distribution service before storing in an airplane are important to mention in this segment, and can help verifying if the security concept of these air services is put into practice properly, according to a broader definition in the field of the Security Studies: “Food security exists when all people, at all times, have physical, social

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<sup>33</sup> SIS International Research, “Airline Food and In-flight Catering Market Research”, accessed in 20.10.2023, <https://www.sisinternational.com/expertise/industries/airline-food-in-flight-catering-market-research/>

and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life. The four pillars of food security are availability, access, utilization and stability”<sup>34</sup>.

As far as accessible signage is concerned, multilingual signage can significantly improve communication and understanding between airport staff, travellers, and law enforcement personnel, ensuring that everyone can understand and navigate the airport or follow airfare requirements easily, regardless of their language proficiency. In the case of Europe’s second-largest travel hub, “at the Frankfurt Airport (FRA) all signage in the airport is in German and English to accommodate both locals and travellers. Multilingual signage can be found all over the world, and in tourist hubs like Dubai, signage is written in both English and Arabic throughout the entire city”<sup>35</sup>. By clearly displaying instructions, warnings, and other important information in multiple languages, airport security managers and staff can ensure that everyone understands what is expected of them and can take appropriate actions in case of an emergency. Furthermore, by providing information in multiple languages, airports can demonstrate respect for diverse cultures and make travellers feel welcome and valued, enabling the foster of a more positive and harmonious airport environment for all.

### *Legal and normative framework*

In the context of this work, the legal and normative framework on international migration<sup>36</sup> plays an important role in protecting the rights of migrants and ensuring that migration is conducted in a rightful manner.

Policies and aviation security policies have both played a significant role in shaping migration patterns in Europe over the past decade, influenced by a number of factors, including the global economic crisis, the rise of populism, and concerns about terrorism helped establishing “the framework that would allow member states to address situations of crisis in the field of asylum and migration by adjusting certain rules, for instance concerning the registration of asylum applications

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<sup>34</sup> Committee on World Food Security, *Global Strategic Framework for Food Security & Nutrition (GSF)*, p. 7, Available online: [https://www.fao.org/fileadmin/templates/cfs/Docs1314/GSF/GSF\\_Version\\_3\\_EN.pdf](https://www.fao.org/fileadmin/templates/cfs/Docs1314/GSF/GSF_Version_3_EN.pdf), accessed in 20.10.2023.

<sup>35</sup> InclusiCheck, “How can airports have more inclusive signage?”, accessed in 10.12.2023, <https://www.inclusicheck.com/blog/translate-act>

<sup>36</sup> United Nations, “International Migration Report 2013”, accessed in 21.10.2023, <https://www.un.org/en/development/desa/population/publications/pdf/migration/migrationreport2013/Chapter3.pdf>

or the asylum border procedure”<sup>37</sup>. In the wake of the September 11 attacks, European governments have also implemented a number of aviation security policies that have affected migration, including increased security screening, with passengers now subjected to a more thorough screening process and a passenger name record (PNR), “a digital document with details of the itinerary for a passenger or a group of passengers traveling together”<sup>38</sup>, data sharing system, as European countries have agreed to share PNR data with each other and with the United States. According to the EU PNR Directive (Directive (EU) 2016/681), “every person who flies to or from the EU must be recorded in a database”<sup>39</sup>. Enhanced information sharing between law enforcement agencies and aviation security authorities is essential to identify and prevent potential threats, whilst also establishing secure communication channels and collaborating on intelligence gathering efforts. However, some of these policies have made it more difficult for migrants to travel to Europe, as they are now required to pay for more expensive tickets and travel insurance, pushing some of them to use less secure routes. It is likely that migration policies and aviation security policies will continue to evolve in response to continental security circumstances, thus governments need to develop comprehensive migration management strategies that carefully balance border security missions with the protection of migrant rights and support for integration.

On the other hand, migration dynamics trends such as increased globalization, diversification of migration flows and irregular migration are having a significant impact on societies around the world. For example, the increased globalization of migration is leading to more diverse and multicultural societies, whilst the rise of irregular migration is posing new challenges for policymakers and law enforcement agencies. These trends have profound implications for societies around the globe, shaping economic, social, and political landscapes, and are likely to continue in the years to come, so the interplay of these trends has actually exerted a significant impact on societies around the world. While migration brings economic benefits, enriches cultures, and fosters global interconnectedness, it also poses chal-

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<sup>37</sup> European Council, “Migration policy: Council agrees mandate on EU law dealing with crisis situations”, accessed in 21.10.2023, <https://www.consilium.europa.eu/en/press/press-releases/2023/10/04/migration-policy-council-agrees-mandate-on-eu-law-dealing-with-crisis-situations/>

<sup>38</sup> Altexsoft, “What is PNR: Passenger Name Record Explained in Details”, accessed in 21.10.2023, <https://www.altexsoft.com/blog/pnr-explained/>

<sup>39</sup> European Parliament, “*Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime*”, accessed in 21.10.2023, <https://www.eumonitor.eu/9353000/1/j9vvik7m1c3gyxp/vk3sxsgbqcm>

lenges in terms of integration, social cohesion, and border management, encompassing both positive and challenging aspects.

Migration patterns are constantly changing, and airports need to be able to adapt their operations to meet the evolving needs of migrants. For example, airports may need to provide additional resources for processing visa applications or for assisting migrants with language and cultural barriers. By adhering to this framework, aviation workers can contribute to the development of a more just and equitable world. Both land and air migration are governed by the same legal and normative framework on international migration, as it is described by The United Nations High Commissioner for Human Rights website: "International borders are not zones of exclusion or exception for human rights obligations. States have the prerogative to govern migration within their jurisdiction, but they must do so in conformity with their human rights obligations"<sup>40</sup>. Such frameworks are based on the principle of human rights and the recognition that all people have the right to freedom of movement, including the right to migrate in a safe and orderly manner. Other important legal instruments that provide guidance on how states should protect the rights of migrants and manage migration flows include the Universal Declaration of Human Rights<sup>41</sup>, the International Covenant on Civil and Political Rights<sup>42</sup>, and the International Covenant on Economic, Social and Cultural Rights<sup>43</sup>. These instruments are useful in recognizing the right to freedom of movement, the right to family reunification, and the right to protection from exploitation or abuse, promoting the realization of the principle of equal rights and self-determination of individuals.

Land migration and air migration are two different modes of migration that have different characteristics and implications such as length, which can represent a major advantage for migrants who are trying to reach a new country as quickly as possible; costs, since air migration is generally more expensive than land migration, and it can be a major barrier for many migrants, especially for those who are

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<sup>40</sup> United Nations, "Human rights in transit and at international borders - OHCHR and migration", accessed in 21.10.2023, <https://www.ohchr.org/en/migration/human-rights-transit-and-international-borders>

<sup>41</sup> Idem, "Universal Declaration of Human Rights", accessed in 21.10.2023, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

<sup>42</sup> Idem, "International Covenant on Civil and Political Rights", accessed in 21.10.2023, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

<sup>43</sup> Idem, "International Covenant on Economic, Social and Cultural Rights", accessed in 21.10.2023, [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-3&chapter=4&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=_en)

fleeing poverty or conflict; accessibility, given the fact that international airports are not always accessible to all migrants.

Overall, land migration and air migration are both complex and multifaceted phenomena with different characteristics and implications. The choice of which mode of migration to use will vary depending on the individual circumstances of the migrant.

Through and through, the key differences between land migration and air migration could also be summarized via the creation of the following table:

**Table 1.** Security features and key differences between land and air migration

Feature	Land migration	Air migration
Speed	Slow	Fast
Costs	Generally less expensive	Generally more expensive
Accessibility	More accessible to all migrants	May not be accessible to all migrants
Risks	Lower risk of accidents or hijackings	Higher risk of accidents or hijackings; more vulnerable to exploitation by smugglers or traffickers

On the other hand, migration can influence aviation policies in a number of ways such as necessity of governments to implement stricter immigration controls at airports, tightening border controls “to boost domestic security and prevent unwanted individuals from entering the country after recent Koran burnings”<sup>44</sup> or as a general response to concerns about illegal immigration or terrorism, as The European Union “continues to face significant challenges securing its external borders, with migration flows reaching record highs in 2023”<sup>45</sup> and thus, abilitated actors may also increase funding for aviation security in response to these concerns, although in this ongoing hurdle, it can be discussed why “the Entry/Exit System will create new hassles for many travellers to Europe, including those needing short-term Schengen visas”<sup>46</sup>.

Sometimes, migrants may be more likely to be targets for terrorist attacks or other forms of crime. For example, a terrorist group might try to recruit a migrant

<sup>44</sup> Johannes Birkebaek, “Denmark tightens border control after Koran burnings”, accessed in 21.10.2023, <https://www.reuters.com/world/europe/denmark-tighten-border-control-amid-koran-burnings-2023-08-04/>

<sup>45</sup> European Travel Information and Authorisation System, “Record Migration Flows Challenge EU Borders Amid Unrest”, accessed in 22.12.2023, <https://etias.com/articles/eu-migration-challenges-2023>

<sup>46</sup> Idem, “EU’s New Border System Raises Concerns for Airlines and Travelers”, accessed in 22.12.2023, <https://etias.com/articles/eu-ees-concerns-airlines-travelers>

who is desperate for money to carry out an attack on an aircraft, or traffickers might try to corrupt an individual into smuggling illicit drugs. Hence, airports may need to implement stricter security measures, such as enhanced passenger screening and enhanced outside protection, to address any of these concerns that can be arise by malicious individuals or terrorists who might seek to exploit their vulnerabilities. As far as the continent is concerned, a Europol's press article published in 2020 suggests that "between October and December 2020, at least five smuggling operations took place in five different European countries... Currently, an organized crime group is also suspected of issuing false checks and scamming airlines in an attempt to build its own fleet"<sup>47</sup>. By adopting a resiliency-oriented approach, aviation can better mitigate air migration security risks, enhance the safety of air travel, and protect the integrity of national borders, and "a well-managed, humane migration process can reduce vulnerability and enhance human and economic wellbeing for migrant groups and their families"<sup>48</sup>. This approach presumes understanding the potential and evolving threats posed by air migration, including the use of aviation by irregular migrants, criminal organizations, and terrorists and it should involve a development and implementation of measures to strengthen the ability of aviation systems to withstand and recover from disruptions caused by air migration security risks, as "airlines... international agencies and independent aviation stakeholders are striving to enhance and develop aviation security capabilities. The importance of incident management, collaboration and security assurance should not be compromised"<sup>49</sup>. Global migration patterns<sup>50</sup> are constantly changing, and airports need to be able to adapt their operations to meet the evolving needs of migrants.

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<sup>47</sup> Europol, "Migrant smugglers using private aircraft grounded in Belgium and Italy", accessed in 21.10.2023, <https://www.europol.europa.eu/media-press/newsroom/news/migrant-smugglers-using-private-aircraft-grounded-in-belgium-and-italy>

<sup>48</sup> Chesmal Siriwardhana et al., "VULNERABILITY & RESILIENCE - Thematic Discussion Paper", accessed in 22.10.2023, [https://www.iom.int/sites/g/files/tmzbd1486/files/our\\_work/DMM/Migration-Health/GC2\\_TDP\\_Vulnerability-and-Resilience\\_FINAL\\_13.02.2017.pdf](https://www.iom.int/sites/g/files/tmzbd1486/files/our_work/DMM/Migration-Health/GC2_TDP_Vulnerability-and-Resilience_FINAL_13.02.2017.pdf)

<sup>49</sup> International Air Transport Association, "What You Need to Know About Aviation Security", accessed in 22.10.2023, <https://www.iata.org/en/publications/newsletters/iata-knowledge-hub/what-you-need-to-know-about-aviation-security/>

<sup>50</sup> M.J. Greenwood, "Internal Migration (Further Types): Industrialized Countries", in *International Encyclopedia of the Social & Behavioral Sciences*, Editor(s): Neil J. Smelser, Paul B. Baltes, Pergamon, 2001, pp 7737-7741, Available online: <https://doi.org/10.1016/B0-08-043076-7/02200-2>, accessed in 22.10.2023.

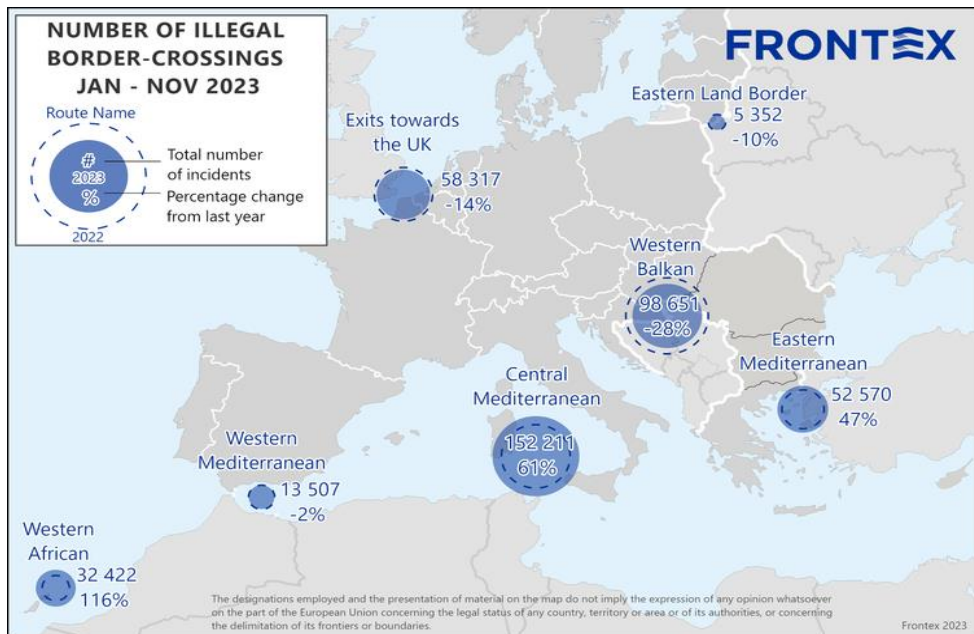
Integrating air migration safety measures with other relevant security measures, such as border controls and immigration enforcement, as well as training and equipping the responsible aviation security personnel with the knowledge, skills, or resources they need to effectively identify and respond to in order to create a comprehensive and effective security framework, and, where required, training staff on how to interact with migrants from different backgrounds and cultures in a sensitive and respectful manner. Training on migration and cultural awareness can be done through a variety of methods, such as workshops, online courses, and on-the-job training and should be aimed to “consolidate the competencies of front-line Inspection officers from immigration and border control authorities to examine travel documents effectively, allowing them to expedite the movements of legitimate travellers while identifying high-risk individuals”<sup>51</sup>. Training processes could cover topics such as the different types of migration, the challenges and recommended approaches associated with migration. Engaging in rigorous training and capacity-building programs for aviation security personnel can play a significant role in maintaining safety standards while aviation stakeholders, including airlines, airports, and governments continue to work together in addressing the challenges associated with the refugee crisis and intercontinental airport security by sharing information, developing joint policies or procedures, and investing in technology and training. Legislation is a valuable tool for this research, as many of the arguments formulated are based on legislative documents, directives or other specific standards. Aviation legislation is also concerned with the safety of passengers, crew members and people on the ground, within the perimeter of an airport, with the aim of preventing chaos and insecurity. Relevant legislative references are important as they help understanding the limits, ambitions or capabilities of aviation, providing insight that can be genuinely useful, offering more relevance and credibility to the article.

As migration patterns continue to evolve in the contemporary world, the intersection between migration movements and European aviation security has also emerged as a significant security concern, with the interplay presenting unique challenges and opportunities, demanding a comprehensive understanding of the distinct characteristics of both air and land migration. Air migration, while historically a small portion of overall migration flows, has witnessed a significant increase in recent decades. This growth can be attributed to a number of factors, including the expansion of air transportation networks, the globalization of labour markets, and the rising demand for international travel. Since the achieved connec-

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<sup>51</sup> International Civil Aviation Organization, “Control of the Authenticity and Validity of Travel Documents at Airport Borders - Level 1 (MRTD-1 EN)”, accessed in 22.10.2023, <https://igat.icao.int/ated/TrainingCatalogue/Course/761>

tivity has contributed to continental economic development, the last three decades in Europe could be an example for this statement, especially since January 1993, when the third European liberalization package came into force: “Substituting national air carriers with Community air carriers and set as the basic principle that any Community air carrier can freely set fares for passengers and cargo and can access any intra-EU route without any permit or authorisation, with the exception of some very particular routes”<sup>52</sup>. It can be agreed that the liberalization of the European air transport sector has represented a remarkable transformation for the European Union in recent decades. Millions of Eastern Europeans were now able to travel, work, study or live across Europe, and over the years since the package was adopted, airlines have reduced the cost of air travel, “thus, the proportion of passengers travelling on regular flights with cut-price tickets has risen considerably”<sup>53</sup>.



**Map 2.** Frontex: Number of illegal border crossings (JAN-NOV 2023)

Source: <https://www.frontex.europa.eu/media-centre/news/news-release/irregular-border-crossings-into-eu-so-far-this-year-highest-since-2016-hZ9xWZ>

The rise of air migration has brought about both positive and negative implications for European aviation security. On the one hand, air travel provides a rela-

<sup>52</sup> European Parliament, “Air transport: market rules”, accessed in 23.10.2023, <https://www.europarl.europa.eu/factsheets/en/sheet/131/air-transport-market-rules>

<sup>53</sup> European Commission, “Reply (14 February 2000)”, accessed in 23.10.2023, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2000:219E:0020:0021:EN:PDF>

tively faster and more efficient mode of transportation for migrants, enabling them to reach their destinations more quickly. On the other hand, air migration also poses specific security challenges, such as the use of fraudulent travel documents. Additionally, the sheer volume of air passengers increases the complexity of security screening processes, making it more challenging to identify potential threats.

While air migration has gained prominence, land migration remains a significant mode of entry for migrants into Europe. The vast geographical expanse of Europe's borders and the porous nature of some of them make it challenging to effectively control land migration flows. As reported by Frontex, "2023 has seen a significant rise in the number of irregular border crossings, which increased by 17% in the first 11 months to reach over 355 300. This number has already surpassed the entire total for 2022, marking the highest value recorded since 2016"<sup>54</sup>.

Land migration presents unique security challenges that might differ from those associated with air migration. The vast distances and diverse terrain encountered during land journeys make it easier for migrants to evade border controls and enter Europe undetected. Additionally, the involvement of criminal organizations in migrant smuggling operations further complicates the situation, hence, effectively managing the interplay between migration movements and European aviation security demands a multifaceted approach that addresses both air and land migration.

Enhancing physical barriers, surveillance systems, and border patrols can deter irregular migration and disrupt criminal exploitation networks. Robust screening procedures and visa issuance processes are also crucial to prevent individuals with malicious intent from entering European airspace, and secure communication channels between law enforcement agencies and border security authorities is essential to share intelligence contents and identify potential threats.

The increase in irregular border crossings into the EU in 2023 is a complex issue with multiple contributing factors. From a security studies perspective, the most significant factors are the deteriorating conditions in origin countries, the improved effectiveness of smuggling networks, as showcased by Europol: "Many migrants had their journey facilitated by a criminal organisation, at least for the initial sea-journey into Europe"<sup>55</sup>. The weakening of border controls in some EU

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<sup>54</sup> Frontex, "Irregular border crossings into EU so far this year highest since 2016", accessed in 23.10.2023, <https://www.frontex.europa.eu/media-centre/news/news-release/irregular-border-crossings-into-eu-so-far-this-year-highest-since-2016-hZ9xWZ>

<sup>55</sup> Europol, "Tackling the organised criminal groups profiting from migrant smuggling", accessed in 23.10.2023, <https://www.europol.europa.eu/about-europol/european-serious-and-organised-crime-centre-esocc/european-migrant-smuggling-centre-emsc>

countries, and the increased demand for labour in the EU could also be two of the factors that created a perfect storm for irregular migration, making it more difficult for the EU to control its borders and protect its citizens from potential security threats. To address this challenge, the EU will need to adopt a comprehensive approach that includes strengthening border security, enhancing cooperation between member states and origin countries, and addressing the root causes of migration. This has put a strain on EU border security and raised concerns about the security of the Schengen area, the passport-free zone that allows people to travel freely within most EU countries: "The developments over the past year highlighted once again the urgent need for swift adoption of the legislative proposals accompanying the Pact on Asylum and Migration, to manage irregular migration, asylum, enhance border controls and fight migrant smuggling strategically, coherently and effectively. To support a more stable and stronger Schengen area, the Commission calls on the European Parliament and the Council to swiftly adopt the new Schengen Borders Code"<sup>56</sup>. In spite of these efforts, irregular migration is likely to remain a challenge for the EU in the years to come. The European Union is composed of diverse countries with unique cultures, traditions, and social structures. Ensuring border security helps manage the cultural impact of migration, allowing host countries to better integrate newcomers while preserving their cultural identity. However, it is essential to strike a balance between border security and humanitarian concerns. Strict security measures should not undermine international obligations, including respecting human rights, offering protection to legitimate asylum seekers, and complying with non-refoulement principles. Achieving a well-managed, secure, and humanitarian approach to border control remains an ongoing challenge for Europe's contemporary society.

## Conclusion

This paper has sought to provide a comprehensive overview of the analysed issue, examining the factors that drive migration, the challenges posed to aviation security by irregular migration, and the strategies that can be approached to manage these challenges. This interrelationship, characterized by both challenges and opportunities, demands a comprehensive understanding of the factors driving migration, the vulnerabilities posed to aviation security, and the strategies necessary to effectively manage this dynamic nexus. It is clear that the relationship between

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<sup>56</sup> European Commission, "State of Schengen report 2023", accessed in 23.10.2023, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52023DC0274>

migration and aviation security can be volatile and certainly an ever-changing one. As migration patterns evolve and security threats adapt, it is essential for governments, law enforcement agencies, and aviation industry stakeholders to work together to develop effective and sustainable strategies for managing this interplay.

Throughout this paper, we have explored various aspects of this interplay. Firstly, we examined the factors that drive migration movements, such as economic disparities, political instability, and social conflicts, which have resulted in significant influxes of migrants into Europe, leading to challenges in managing their integration and societal security concerns. With the rise of global terrorism and the potential of individuals possessing malicious intent, robust screening measures have become imperative, and today, European airports serve as crucial points of entry and exit for both genuine migrants and potential threats, making aviation security a pivotal point when addressing migration-related challenges in the context of this analysis. One key aspect of addressing this interplay is to ensure the importance of seamless cooperation and information-sharing between immigration and aviation authorities. Timely and accurate intelligence sources regarding suspect individuals or potential security threats are essential for preventing any untoward incidents. Overall, the interplay between migration movements and European aviation security necessitates a comprehensive and multifaceted approach. Acknowledging this interplay allows policymakers to understand the complexities and challenges at hand, enabling the development of effective strategies.

In conclusion, the interplay recognition between migration movements and European aviation security within a Security Nexus underscores the need for a comprehensive and integrated approach. Cooperation among European nations, international organizations, and relevant stakeholders is essential to address the complexities associated with migration and aviation security effectively and to strike a balance between safeguarding national security interests and upholding humanitarian obligations are key challenges for European societies in our contemporary era.

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# THE SECRET SERVICES OF SOVIET UNION, HUNGARY, UKRAINE AND TURKIYE AND THE WEAPONIZATION OF MINORITIES IN RELATION TO ROMANIA

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**ABSTRACT:** The dramatic weaponization of the Romanian ethnic minority by the Soviet Union in the early 20th century, with very important geopolitical consequences in the area even today, draws attention to the practice of manipulating and weaponizing ethnic minorities with the purpose to destabilize a country or gain different types of advantages. The Soviet Union was the entity that developed “cutting edge” ideologies, means and methods to pursue such weaponization of ethnic minorities in order to gain and exploit geopolitical advantages over neighbouring countries/peoples/alliances, and its secret services were in the frontline. These practices have led to the modern conflicts in Transdnistria, Nagorno-Karabakh, Eastern Ukraine, Crimea, South Ossetia, to name just a few. And these methods developed by the Soviet Union, with complete disregard of basic human rights and needs of ethnic minorities, are very much in use today. They are mostly employed nowadays by The Russian Federation, but Ukraine and even Hungary and Turkiye also draw from these methods to weaponize different (not exclusively ethnic) minorities for political or ideological gains. But The Russian Federation, Hungary, Turkiye and Ukraine all have a few things in common - the intensive use of their secret services to this end, a cynical disregard for basic human rights, basic human needs of minorities, which are weaponized in real or imagined conflicts with neighbouring countries/peoples. And Romania or the Romanian minorities in neighbouring countries are the object of many such weaponizations.

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## Introduction

The secret services of The Soviet Union and Russia have been for over 100 years in the foreground when it comes down to propaganda, different types of manipulation, PSYOPS as they are sometimes called, and weaponization of minorities. And they have exported, willingly or unwillingly, much of this experience and knowledge all over the world. Different entities, governments or individuals all over the world have been very interested in these operations and the experience of the Communists to “persuade” people in different ways

Perhaps one of the best examples of the weaponization of minorities is the creation of the so-called Moldavian Autonomous Soviet Socialist Republic (RASSM) within the Ukrainian Soviet Socialist Republic (RSU) of USSR in 1924 and the subsequent invention of the so-called “Moldavian” language, and the Soviet secret services were in the frontline, especially the Comintern and NKVD. This experiment was not singular within the USSR, and the Karelian Soviet Socialist Republic and language as being different from Finnish, for largely political reasons, as some research shows<sup>2</sup>, or the purposeful alteration of the language spoken by Azeris so as to be as different as possible from Turkish, show a persistent preoccupation from the USSR side for such manipulation and weaponization of minorities while using similar or the same tools and methods in order to achieve geopolitical gains.

By doing this, the USSR was having two main strategies in mind: first of all, this weaponization was aimed to be an offensive strategy and tool when the international climate allowed it so as to conquer and incorporate even more territories from neighbouring nations (for example the annexation of Bessarabia and Northern Bukovina from Romania in 1940 and 1944 was made under the pretext that they were Moldavian areas conquered by

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<sup>2</sup> Austin, M. Paul, “Soviet Finnish: The language of Neuvosto Karjala (Soviet Karelia)”, *Nationalities Papers*, 9:2, pp. 171-177, 1981, published online: 19 Oct. 2007, pp. 171-172, accessed on 04.12.2023, DOI: 10.1080/00905998108407914

Romania, and while the USSR already had an Autonomous Moldavian Soviet Socialist Republic, it should “re-unite” with it within the USSR); the back-up plan was that this weaponization be used in a defensive strategy when the international climate was more adverse to the USSR or the Russian Empire, and this artificial divide of nations and languages serves as a defensive tool and stops nations from reuniting and becoming regional powers (again, the example of the “Moldavian” state, language and identity in the Republic of Moldavia, that has become a real impediment to its reunification with Romania). The assimilation, Russification and Ukrainization of the Romanian ethnics was an inherent purpose in both of the above strategies.

And throughout all of these processes, the secret services of the USSR played an essential part both in planning the strategies and in implementing them.

## **Four types of weaponization of minorities by the Soviet Secret Services**

This being said, there are a few different types of weaponization of minorities in relation to Romania by the secret services of the USSR: ideological weaponization for geopolitical advantages, weaponization through terror, propaganda and trying to weaponize other minorities within Romania or within the USSR against Romania, in order to create ethnic unrest and distrust. The same strategy was used in Nagorno-Karabakh, Ossetia, Abkhazia, Eastern Ukraine or in Central Asia.

**1. Ideological Weaponization** of the Romanian minorities within the USSR. The foremost is the establishment of a so-called Moldavian republic within the USSR and the invention of the so-called “Moldavian” language as something pretending to be different from the Romanian language. This anti-Romanian tool has been used thoroughly by The USSR, by The Russian Federation, by the so-called Transdnestrian authorities backed by Russia and, until recently, by Ukraine. Ukraine has recently vowed to give up on the use of the so-called “Moldavian” language, and we are eager to see that implemented as soon as possible. We hope Ukraine does not want

to use such an anti-Romanian instrument anymore the same way Moscow is still doing. This ideological weaponization was performed in particular by Soviet secret agents operating within the Comintern.

In 1924, Romanian, Russian, Ukrainian and Jewish Comintern leaders sign a petition demanding the foundation of the Moldavian Autonomous Soviet Socialist Republic within the USSR. Comintern was nothing else than a conglomerate of *Communist Soviet secret agents* operating officially and unofficially as secret agents for the USSR. Abraham Grinstein, the leader of this group, was the leader of a USSR secret service base operating in Odessa. He was also the leader behind the terrorist attack in the Romanian Parliament in 1920 performed by Max Goldstein. He was also the main figure behind inventing the so-called “Moldavian language” as pretending to be something different from the Romanian language, which is false. Another key figure behind the invention of the “Moldavian” language was another Comintern member, Iosif Isakovici Badeev. So, the Soviet secret services were present at the birthplace of the “Moldovenist” identity, language, people and republic.

As Larry Watts argues, “The operatives of the Comintern (...) were already mainly intelligence agents, working for a foreign power and using the methods learned in Moscow: false names, false documents, legends, encrypted communications, blind mailboxes, covert financing, building of networks and counter-espionage.”<sup>3</sup> Even more straightforward, Larry Watts goes on by saying that “The Comintern was the seat of an international clandestine network of agents, operating against the governments of their home states, in the service of the 'world revolution' which, through 'democratic centralisation', had become synonymous with Moscow. The main tasks of the Comintern were covert financing, white and black propaganda and direct espionage”<sup>4</sup> Same Larry Watts gives more details about the activities of the Comintern agents: “The most powerful espionage service, from the point of view of direct connection to the Soviet hierarchy, was the Department of International Relations (Otdiel Mezhdunarodnoi Svязi: OMS) of the Comintern. The OMS acted as a coordination centre for

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<sup>3</sup> Watts, L. Larry, *Ferește-mă, Doamne, de prieteni...*, Bucharest: RAO, 2011, p. 106.

<sup>4</sup> *Ibidem*.

the other services, at the same time carrying out the basic function of leading foreign communist parties. It distributed orders, funds and propaganda themes to the 'national' parties, served as a contact to illegal organizations, provided false documents to Comintern agents, maintained contact with other Soviet security organs and directed espionage and intelligence gathering operations from abroad. The former head of Soviet espionage operations in Europe described it as 'the heart of the Comintern'<sup>5</sup>

The aggressive, anti-Romanian and expansionist goals that stood behind the inventing of the so-called "Moldavian language" and "Moldavian Soviet Socialist Republic" within the Ukrainian Soviet Socialist Republic of the USSR were plainly stated by the very people who initiated them, in the very Memorandum that asked Stalin to create these entities in 1924: "The Moldavian Republic could play the same role as a political-propaganda factor that the Republic of Belarus plays in relation to Poland and the Republic of Karelia - in relation to Finland. It would focus the attention and sympathy of the Bessarabian population and create obvious pretexts for the claims of joining the Moldavian Republic and Bessarabia (n.r. which was an integral part of Romania in 1924)." <sup>6</sup> and "would serve as the USSR's strategic breach to the Balkans (via Dobrogea) and to Central Europe (via Bucovina and Galicia), which the USSR could use as a bridgehead for military and political purposes. (n.r. Dobrogea and Bucovina were also integral parts of Romania in 1924)."<sup>7</sup>

This ideological weaponization has had catastrophic consequences for Romania and the Romanian nation up to this day. The invention of the so-called "Moldavian" language, nation and state is still playing a very important part in Moscow's regional influence and balance of power. Not to mention Moscow has occupied Transdnistria in order to control The Republic of Moldavia and prevent its reunification with Romania.

About the invention of this so-called "Moldavian" language, even a Ukrainian communist official said back then that "this is not an academic

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<sup>5</sup> *Idem*, p. 109.

<sup>6</sup> Negru, Elena, *Politica etnoculturală în R.A.S.S. Moldovenească (1924-1940)*, Chișinău: Prut Internațional, Republic of Moldova, 2003, p. 143.

<sup>7</sup> *Idem*, p. 144.

matter, but a political and class struggle matter”<sup>8</sup> (!). Nobody could argue with “class struggle matters” in the USSR of Stalin.

**2. Weaponization through terror.** In 1940-1941, after USSR occupied Bessarabia and Northern Bukovina from Romania, NKVD was the soviet secret service designed to weaponize the newly occupied Romanian population by terror. Starting from august 1940, chief of the NKVD secret service for the newly occupied Romanian territories was appointed Nikolai Sazâkin, a comrade of the famous Lavrenti Beria. Nikolai Sazâkin was eager to protect and spread in Bessarabia through the use of terror the “Moldavian” language and identity that the ideological arm of the Soviet secret services had recently invented. He “insisted on a quick solution for all the problems caused by the “old elements” - followers of the so-called “Romanization” of the Bessarabian population.”<sup>9</sup> and “the union bodies of state security were disturbed by the problem of the clear pro-Romanian orientation of the majority of the population.”<sup>10</sup> in the newly created Moldavian Soviet Socialist Republic. This solution agreed by Sazâkin was massacres, assassinations and deportation of the Romanian population: “The solution of all these problems was accompanied by a series of political assassinations committed in Chisinau, Ismail, Cetatea Albă and in other localities of occupied Bessarabia, completed with the deportation, in June 1941, of a significant number of Bessarabians to Siberia.”<sup>11</sup>

The numbers are staggering: 12,5% of the population of Bessarabia and Northern Bukovina was tortured, massacred or deported within just 1 year of soviet occupation between 1940 and 1941<sup>12</sup>, until the temporary liberation by the Romanian Army in 1941. After USSR re-occupied Bessarabia

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<sup>8</sup> Țicu, Octavian, “Istoria RASS Moldovenească (1924-1940) (IV): Interferențele Kominternului (7)”, *Radio Europa Liberă Moldova*, February 26, 2021, accessed on 04.12.2023, <https://moldova.europalibera.org/a/istoria-rass-moldoveneasc%C4%83-1924-1940-iv-interferen%C8%9Bele-kominternului-7-/31123252.html>

<sup>9</sup> Moraru, Pavel, *Urmașii lui Felix Dzerjinski. Organele Securității Statului în Republica Sovietică Socialistă Moldovenească*, Bucharest: Academia Română, Institutul Național pentru Studiul Totalitarismului, 2008, p. 28.

<sup>10</sup> *Ibidem*.

<sup>11</sup> *Ibidem*.

<sup>12</sup> *Idem*, p. 31.

and Northern Bukovina in 1944, another 1/3 of the population was tortured, executed or deported<sup>13</sup>, which amounts to a genuine ethnic cleansing of the area. Instead of the massacred or deported Romanians, a large number of Russian and Ukrainian ethnics were brought in.

**3. Propaganda.** It was also the Soviet secret services that dealt with spreading propaganda against Romania, especially in the Western world. Comintern, especially through its OMS bureau, and later on the KGB were the Soviet secret services mainly responsible.

A good example of anti-Romanian propaganda led by the secret services of USSR was performed when USSR secret service centers in Odessa and Tiraspol (in the USSR) organized an anti-Romanian terrorist attack and rebellion in the Romanian Bessarabian town of Tatar-Bunar: "Soviet intelligence centres in Odessa and Tiraspol led a 'revolt', centred in the Bessarabian city of Tatar Bunar, which was quickly suppressed by the Romanian security service and the military. As part of the propaganda justifying the Soviet invasion, Soviet newspapers began publishing so-called letters from Bessarabian peasant groups demanding the formation of an autonomous republic. Münzenberg and Gibarti then mounted an international "humanitarian" campaign against the Romanian authorities for the release of "innocent peasants and workers" brought before the courthouse."<sup>14</sup> Willi Münzenberg and Louis Gibarti (by his real name László Dobos, showing his Hungarian origin) were the leaders of propaganda and disinformation activities in the West performed by the OMS, the secret service of the Comintern.

But this propaganda was not only directed at the Western public opinion, but against the Romanian population on both sides of the Dniester river as well, and it was coordinated "by the Bessarabian-Romanian Section of the Comintern Agency in Odessa (Odessa Section), by the Romanian Section of the Comintern, based in Paris, and by the Bessarabian section of the Balkan Bureau, also located in the French capital."<sup>15</sup> And Larry Watts

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<sup>13</sup> *Ibidem.*

<sup>14</sup> Watts, L. Larry, *op. cit.*, p. 110.

<sup>15</sup> *Idem*, p. 94.

stresses again that “all Cominternists sent abroad were Soviet agents.”<sup>16</sup> We encounter again heavy manipulation, disinformation and propaganda coming from the secret services of the USSR which were weaponizing minorities in order to achieve geopolitical and expansionist goals against Romania.

This propaganda was so efficient, that even Americans believed in the 1920s and 1930s that Romanian authorities were discriminating and persecuting Russian, Ukrainian and Jewish minorities in Bessarabia. Bessarabia had just re-united of its own free will with Romania in 1918, after having been occupied by The Russian Empire since 1812. So, in 1927, an American Colonel named L. G. Ament came to Romania to see for himself if the Jews were being so discriminated and persecuted as the Soviet propaganda in the US was claiming. He called for a public debate in central town Chişinău (main city in Bessarabia) where the leaders of the Jewish community were present. A Jewish lawyer called Rosenhaupt stood up and said in front of everybody: “The real truth is this: in the Chisinau Municipal Council, out of 36 councillors, 18 are Jews. Which means that the Jews enjoy the fullness of their political rights. (...) Since the Romanians came (the Romanian authorities in Bessarabia - n.n.), the Jews, like the other citizens, were granted the same rights without any exception. As regards the treatment (of the authorities towards the Jews - n.n.), all the laws, all the regulations, all the dispositions and all the orders that are given do not contain anything that makes any difference between the Jewish citizens and the others. Meaning that no exception is made from an official and administrative point of view, and there is absolutely no difference between Jews and Christians.”<sup>17</sup>

**4. Creating ethnic unrest and distrust**, that is trying to weaponize other ethnic minorities within Romania or abroad against the Romanian authorities and people. It was also Soviet secret services who tried to manipulate and weaponize minorities within Romania against Romanian au-

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<sup>16</sup> *Idem*, pp. 106-107.

<sup>17</sup> Moraru, Pavel, *La hotarul românesc al Europei. Din istoria Siguranței Generale în Basarabia 1918-1940*, Bucharest: Academia Română, Institutul Național pentru Studiul Totalitarismului, 2008, p. 173.

thorities and people. For example, the Soviet secret services preferred to recruit agents from Russian, Ukrainian, Bulgarian and Jewish communities in Bessarabia to perform terrorist attacks against Romanian authorities. And there were thousands of such terrorist attacks, almost every day between 1918-1930. After 1945, the KGB also spread false rumours instigating Hungarian ethnics in Transylvania against the Romanian authorities and raising Bulgarian prejudice against Romanians by spreading false rumours in Bulgaria that Romania wanted to invade the Cadrilater. Just a couple of weeks ago, just like in Soviet times, Moscow falsely accused Romania of discriminating Hungarians, Roma people and Ruthenians.

Soviet secret services would recruit mostly from within other ethnic minorities groups<sup>18</sup> in Bessarabia to perform terrorist attacks against Romanian authorities and people. Especially Russian, Ukrainian, Bulgarian and Jew minority people.

For example, one of the main targets that the USSR secret services tried to weaponize against Romanian authorities were ethnic Jews in Romanian Bessarabia: "agents for the Soviet espionage service were recruited from among members of Jewish organizations"<sup>19</sup> and "In general, Jewish organizations housed a veritable army of fanatical spies whose mission it was to procure information for the Soviet state."<sup>20</sup> Another real problem for Romania was the Soviet propaganda performed in the Western world by some Jewish organizations which were being weaponized by the secret services of the USSR. However, this process would not always go as the Soviets desired. For example, following intense propaganda by the Comintern secret services in the US, the American public believed that Romanian authorities after 1920 persecuted national minorities in Bessarabia, and among them, persecuted the Jews. This led to the episode that we cited earlier, when US Colonel L. G. Ament came to Romania himself in 1927 to see what the situation was like. And the Bessarabian Jewish lawyer Rosenhaupt rose and spoke and said that there were no persecutions whatsoever and that Jews had the exact same rights as the Romanians. He even gave

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<sup>18</sup> *Idem*, p. 61.

<sup>19</sup> *Idem*, p. 166.

<sup>20</sup> *Ibidem*.

the example that out of 36 city counsellors in Chişinău, the largest city in Bessarabia, 18 were Jews.<sup>21</sup>

One of the most well-known episodes of weaponization of minorities was the Soviet Bolshevik Rebellion of Tatar-Bunar, which was orchestrated by The Comintern from across the Dniester river, in Soviet Ukraine. Soviet secret agents from The Comintern in Soviet Ukraine, together with a few local communist agents, mostly Russian ethnics, heavily armed, managed to occupy the centre of Tatar-Bunar town in Southern Bessarabia, orchestrated massacres, terrorists attacks, plunders and murders which eventually led to a total of more than 3,000 dead<sup>22</sup>, civilians, authorities and communist terrorists. Prior to this terrorist attack, according to contemporary witnesses, the Soviet secret agents managed to organize so-called local “revolutionary committees”, but only in exclusively Russian inhabited villages from Southern Bessarabia<sup>23</sup>. The author notices as well that the Soviet Comintern secret agents infiltrated in Russian and Ukrainian villages<sup>24</sup> before launching their surprise terrorist attack, which had an ultimate goal of dismembering the Romanian state. The violent Bolshevik rebellion was duly ended by the Romanian authorities.

In recent history, in 1989, 1990 and 1992, USSR and the newly fledged Russian Federation used the same weaponization of minorities, pretending to defend Russian ethnics’ rights in the Republic of Moldavia, and in order to prevent its reunification with Romania it created its first separatist republic in Transdnistria and threatened with another breakaway so-called Republic of Gagauzia. Thus, the Russian Federation waged perhaps its first wars since the fall of the USSR against the Republic of Moldavia, which resulted in the separate so-called Transdnistrian Republic. This was the first test of the exact same narratives and methods used to justify and implement later on the invasion of Georgia and Ukraine – pretending to defend Russian minorities’ rights in Ukraine, and pretending to defend South Ossetian and Abkhaz rights in Georgia.

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<sup>21</sup> *Idem*, p. 173.

<sup>22</sup> Rotari, Ludmila, *Mișcarea subversivă din Basarabia în anii 1918-1924*, Bucharest: Editura Enciclopedică, 2004, p. 238.

<sup>23</sup> *Idem*, p. 239.

<sup>24</sup> *Idem*, p. 244.

Recently, Moscow once again accuses Romania at the UN of allegedly discriminating against the Roma, Hungarian and Ruthenian minorities<sup>25</sup>, even though Romania has one of the most tolerant policies in the world regarding national minorities. From Moscow, it was the same pattern of propaganda and disinformation trying to weaponize minorities, just like in Soviet times.

## **The Secret Services of Ukraine and the weaponization of the Romanian minority**

Ukraine used its secret services in order to weaponize the Romanian minority in largely the same way the USSR and The Russian Federation had done. Almost the exact same anti-Romanian strategy and the use of almost the same methods.

**1. Ideological Weaponization.** Re-instating education in the so-called “Moldavian” language in Ukraine in 1998 in order to divide and assimilate the Romanian community in Ukraine.

Ukraine became independent in 1991 and in 1997 it signed a “Cooperation and Good Vicinity Treaty” with Romania, that expressed interest and mutual implementation of good practices regarding the Ukrainian minority in Romania and the Romanian minority in Ukraine. Even though Romania implemented these policies, and even more regarding Ukrainian ethnics in Romania, Ukraine responded in a totally different manner in 1998.

In 1998, *Anatolii Semenovyci Fetescu*, the leader of a so-called “National-Cultural Association of Moldavians in Ukraine”, asked and was granted the reinstating of the study of the so-called “Moldavian” language in Ukrainian schools, in order to divide and assimilate the Romanian minority in Ukraine, just like in Soviet times. *Anatolii Semenovyci Fetescu* was later on exposed in 2018, according to a

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<sup>25</sup> ROMANIA JOURNAL, “Russia accuses Romania at the UN of ‘violating the rights of minorities’”, *Romania Journal*, October 3, 2023, accessed on 04.12.2023, <https://www.romaniajournal.ro/politics/russia-accuses-romania-at-the-un-of-violating-the-rights-of-minorities/>.

document released in the Ukrainian media<sup>26</sup>, as an ex-KGB and SBU (Ukrainian Secret Service) secret agent. He seems to have been a KGB agent between 1989-1991, and subsequently, as Ukraine became independent in 1991, he carried on being an SBU agent (Ukrainian Secret Service) between 1991-2011. So, in 1998, when he asked for the reinstated study of the "Moldavian" language in Ukraine, he was a secret agent of the Ukrainian Secret Service (SBU).

However, nobody can be sure that he did not carry on being a covert agent for SBU or another Ukrainian secret service even after 2011. And this is the man that pretended to protect the rights of the invented "Moldavian" nation and "Moldavian" language in Ukraine.

According to many reports, he was a friend and collaborator to the leaders of the Russian occupied so-called Republic of Transdniestria, which also pretend to be defenders of a so-called "Moldavian" language and identity. Anatol Fetescu was reportedly a friend of Valerian Tulgara<sup>27</sup>, president of a so-called fellow "Union of Moldavians in Transdniestria" which fights for the break of Russian occupied Transdniestria from The Republic of Moldova.

For example, again proving how Ukrainian secret services weaponized the Romanian minority, in February 1999, while Fetescu is said to have still been an SBU agent, he helped organize in Odessa a conference called "Moldovans in Ukraine: Historical Retrospective and Current Affairs" which was rich in anti-Romanian propaganda and supporting the so-called "Moldavian" language and "statehood". There were guests from the Russian occupied Transdniestria, Boris Bomesko, and the conference even received praise and congratulations from the high level state leadership of Ukraine and The Republic of Moldova.<sup>28</sup>

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<sup>26</sup> ROMANIAN GLOBAL NEWS, "Cel care a fost instrumentul Kievului pentru "moldovenizarea" românilor din Ucraina, dovedit ca om al serviciilor secrete ucrainiene. O spune chiar SBU!", *RGN Press*, August 20, 2020, accessed on 04.12.2023, <https://rgnpress.ro/2020/08/cel-care-a-fost-instrumentul-kievului-pentru-modovenizarea-romanilor-din-ucraina-dovedit-ca-om-al-serviciilor-secrete-ucrainiene-o-spune-chiar-sbu/>

<sup>27</sup> Dabija, Nicolae, "Noi, locuitorii acestui meleag, suntem moldoveni prin naștere; dar toți moldovenii sunt români", *Moldova.org*, October 15, 2010, accessed on 04.12.2023, <https://www.moldova.org/noi-locuitorii-acestui-meleag-suntem-moldoveni-prin-nastere-dar-toti-moldovenii-sunt-romani-212981-rom/>

<sup>28</sup> Rotari, Ludmila, *op. cit.*, p. 276.

Another recent scandal in Romanian mass media featured Anatol Fetescu again. No later than a few weeks after the Ukrainian leadership assured Romania that it would stop implementing the so-called “Moldavian” language in Ukraine, there was a report coming from the Romanian minority in Ukraine that the Ministry of Education was still printing and distributing new “Moldavian” language school books. And the author of these “Moldavian” language school books was no other than the wife of what mass media called an ex-KGB and ex-SBU agent Anatol Fetescu<sup>29</sup>. Soviet-style state work.

*Even though in the meantime* Ukraine recently finally stopped recognizing the so-called “Moldovan/Moldavian language,” after many years of Romania insisting on this request, it seems that this individual, Anatol Fetescu, is still useful to the secret services in Kyiv. The State Service of Ukraine for Ethnic Policy and Freedom of Conscience has once again confirmed his position on the Council of Representatives of National Minorities (Communities), further fueling the distrust of the Romanian minority in Ukraine<sup>30</sup>. *Anatolii Semenovyci Fetescu* is just one example of how Ukrainian Secret Services (SBU) weaponized the Romanian minority.

**2. Weaponization through terror.** Weaponization through terror could not and cannot be conducted as in the days of Stalin and NKVD, but there was terror implemented through less violent means: threats<sup>31</sup>, dese-

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<sup>29</sup> Gherman, Marin, “Ciolacu și Zelenski au vorbit ceva, Ucraina se pregătește de altceva: cum arată manualele de limba și literatura “moldovenească” ce vor fi tipărite pentru copiii români din Odesa”, *Libertatea*, November 15, 2023, accessed on 04.12.2023, <https://www.libertatea.ro/stiri/ciolacu-si-zelenski-au-vorbit-ceva-ucraina-se-pregateste-de-altceva-cum-arata-manualele-de-limba-si-literatura-moldoveneasca-ce-vor-fi-tiparite-pentru-copiii-romani-din-odesa-4718444>

<sup>30</sup> Gava, Ioan-Radu, “Român din Ucraina, semnal de alarmă. Ce face Kievul pentru a da impresia că a rezolvat problema minorităților naționale”, *DC News*, June 3, 2024, accessed on 31.08.2024, [https://www.dcnews.ro/roman-din-ucraina-semnal-de-alarma-ce-face-kievul-pentru-a-da-impresia-ca-a-rezolvat-problema-minoritatilor-nationale\\_961243.html](https://www.dcnews.ro/roman-din-ucraina-semnal-de-alarma-ce-face-kievul-pentru-a-da-impresia-ca-a-rezolvat-problema-minoritatilor-nationale_961243.html)

<sup>31</sup> Patraș, Eugen, “Ucraina de la firul ierbii. “Limba moldovenească” pe traseul politic Moscova-Kiev-Tiraspol-Odesa”, *LARICS*, February 14, 2022, accessed on 04.12.2023, <https://larics.ro/ucraina-de-la-firul-ierbii-limba-moldoveneasca-pe-traseul-politic-moscova-kiev-tiraspol-odesa/>

creation of monuments and statues<sup>32</sup>, lawsuits against Romanian teachers, intellectuals or priests, fines<sup>33</sup>, etc. Ukraine and its secret services also actively helped Russian military and secret services invade and occupy the breakaway region of Transdniestria from The Republic of Moldavia in the 1990s, preventing its reunification with Romania.

It was also the Ukrainian Secret Service (SBU) that instrumented the accusation and prosecution of a famous Romanian ethnic priest in Ukraine, for “having used in his public speeches words intended to incite religious hatred between the believers of the Ukrainian Orthodox Church (UPT) and the autocephalous Ukrainian Orthodox Church (PTU), offending the religious feelings of the supporters of the PTU, which is in close communion with the Ecumenical Patriarchate of Constantinople”<sup>34</sup> Afterwards, in a show of power and intimidation, the SBU forces surrounded the Bănceni monastery, a famous monastery amongst ethnic Romanians in Ukraine, led by the same priest: “law enforcement, accompanied by dozens of armed soldiers, surrounded the territory of the Bănceni Monastery in the Cernăuți region. According to the church representatives, the authorities requested to be allowed to enter the territory of the monastery in order to “verify the documents of the monastery and identify the people there.”<sup>35</sup>

**3. Creating ethnic unrest, distrust and propaganda.** The Ukrainian Secret Service (SBU), heavily influenced by Russians at that time, tried to

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<sup>32</sup> ȘTIRILE PROTV, “Bustul lui Mihai Eminescu, decapitat la Cernauti înainte de inaugurare. MAE e consternat”, *Pro TV*, June 14, 2013, accessed on 04.12.2023, <https://stirileprotv.ro/stiri/actualitate/bustul-lui-mihai-eminescu-decapitat-la-cernauti-inainte-de-inaugurare-mae-e-consternat.html>

<sup>33</sup> Cimpoi, Adrian, “Poliția ucraineană a oprit Drumul Crucii credincioșilor români și l-a amendat pe Mitropolitul Longhin”, *60M*, September 25, 2022, accessed on 04.12.2023, <https://60m.ro/politia-ucraineana-a-oprit-drumul-crucii-credinciosilor-romani-si-l-a-amendat-pe-mitropolitul-longhin/>

<sup>34</sup> BUCPRESS, “Mitropolitul Longhin Jar, trimis în judecată sub acuzația de incitare la ură religioasă (VIDEO)”, *Bucpress*, September 15, 2023, accessed on 04.12.2023, <https://bucpress.eu/mitropolitul-longhin-jar-trimis-in-judecata-sub-acuzatia-de-incitare-la-ura-religioasa-video.1/>

<sup>35</sup> BUCPRESS, “Regiunea Cernăuți: Mănăstirea Banceni a fost încercuită de forțele de securitate ucrainene (VIDEO)”, *Bucpress*, November 9, 2023, accessed on 04.12.2023, <https://bucpress.eu/regiunea-cernauti-manastirea-banceni-a-fost-incercuita-de-fortele-de-securitate-ucrainene-video/>

weaponize, to use members of other minority groups against the Romanian minority, just like the secret services of USSR had done. For example, in a made up protest in 2013 members of the so-called “National-Cultural Association of Moldavians” led by what seems to have been an ex-KGB and ex-SBU agent Anatol Fetescu, protested in front of the Romanian Consulate in Odesa, Ukraine, against the so-called “Romanization of Moldavians”. It is not clear why other minority groups would be so preoccupied with this so-called “Romanization” in Ukraine, but participants in the protest carried signs saying “Gagauz people support the Moldavian claims!”, “Bulgarians support the Moldavians!”, “Roma people support the Moldavians!” and “Jews support the Moldavians!”<sup>36</sup> (almost certainly they were not members of these ethnic groups, just people manipulated by SBU and trying to create this false impression). Just like in the old Soviet days when the communist party tried to pretend that what a “happy and brotherly place” the USSR was for all occupied nations and how good it would be if the USSR would rule the world and all nations would be part of this “happy” and “brotherly” soviet society.

### *Conclusions*

At the end of this section we have to point out that it is great news that the Romanian Prime Minister was promised an end to the recognition by the Ukrainian state of the so-called “Moldavian” language<sup>37</sup>. Taking a look at the history of this “Moldavian language” concept and at the people who invented it<sup>38</sup>, it is easy to understand why it took so long and why it

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<sup>36</sup> Ciobanu, Natalia, “Consulatul României la Odesa, luat cu asalt de reprezentanții “moldovenilor” din Ucraina”, *Karadeniz Press*, June 13, 2013, accessed on 04.12.2023, <https://karadeniz-press.ro/consulatul-romaniei-la-odesa-luat-cu-asalt-de-reprezentantii-moldovenilor-din-ucraina/>

<sup>37</sup> Ardelean, Adrian, “M. Ciolacu: limba oficială a minorității române din Ucraina este limba română, nu “moldovenească””, *Europa Liberă România*, October 19, 2023, accessed on 04.12.2023, <https://romania.europalibera.org/a/limba-oficiala-limba-roman%C4%83-nu-moldoveneasc%C4%83/32644683.html>

<sup>38</sup> Blănaru, Matei, “De ce este atât de important ca ‘limba moldovenească’ să dispară din Ucraina? Scopul și actorii principali ai inventării ‘limbii moldovenești’”, *LARICS*, November 22, 2023, accessed on 04.12.2023, <https://larics.ro/de-ce-este-atat-de-important->

mattered so much for Romania, but it is great news this concept is finally about to come to an end 100 years after it was invented.

Congratulations to the Romanian diplomacy and to the Ukrainian officials who finally understood that the so-called “Moldovan/Moldavian” language was doing more harm than good to our mutual relations. Saying that there is a “Moldavian language” different from the Romanian language would be just like we would now say that the Ukrainian language is the same as the Russian language. Which would obviously be false, unacceptable and disrespectful both for Ukraine, and for Romania.

### **Weaponization of minorities by the Secret Services of Turkiye**

Turkiye and president Erdoğan have been very busy lately trying to create for themselves an image of humanitarians, philanthropists, mediators and donors. But the reality is very different and looks more like realpolitik once we take a closer look.

In order to achieve such a goal and create such an international image, Turkiye has created a number of institutions to deal with so-called cultural, social, humanitarian issues and helping out so-called developing countries. Turkiye has also created a huge number of NGOs which, under the guise of helping out developing countries, enable as well the free movement of ISIS and Al-Qaeda or Hamas terrorists for example<sup>39</sup>, helps fund their activities (for example Abu Bakr Al-Iraqi<sup>40</sup>, the chief of Al-Qaeda in Sudan, which has been funding his activities there through multiple businesses, financial institutions and NGOs in Turkiye). And all of these activities in Turkiye cannot be done without the knowledge and help from

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ca-limba-moldoveneasca-sa-dispara-din-ucraina-scopul-si-actorii-principali-ai-inventarii-limbii-moldovenesti/

<sup>39</sup> Brown, Hayes, “Iran's State-Run Media Claims Turkey Killed One Of Its Reporters”, *Buzz Feed News*, October 20, 2014, accessed on 04.12.2023, <https://www.buzzfeednews.com/article/hayesbrown/press-tv-claims-turkey-killed-reporter>

<sup>40</sup> Kenez, Levent, “Indictment claims surge of Turkish jihadist fighters disguised as aid workers heading to West Africa”, *Nordic Monitor*, August 29, 2023, accessed on 04.12.2023, <https://nordicmonitor.com/2023/08/indictment-claims-surge-of-turkish-jihadist-fighters-disguised-as-aid-personnel-heading-to-west-africa/?fbclid=IwAR033uhv7Q-yUFyLI8v9osRLLLuohSt6o0pArAlNC3KaMsHEjkmIsWY3F40>

the MIT (Turkish Secret Service)<sup>41</sup>, weaponizing ethnic or religious affiliation with Turkiye.

**1. TIKA – Turkish Agency for Cooperation and Coordination.** Perhaps the Turkish institution which is of most interest to us, in Romania, is TIKA [*Turkish Cooperation and Coordination Agency*].

In the Explanatory Note made by the Romanian Government for the opening of this TIKA office in 2022, it is said that: “The objective of this Agreement is to create the legal and institutional framework for the financing of some projects in certain priority areas of cooperation: education, socio-cultural, environment, health, tourism.”<sup>42</sup> As we will see below, this is the exact same disguise that TIKA used in Israel for spying and anti-governmental activities which the Israeli Foreign Minister called out in 2019: activities of so-called *education, socio-cultural activities, environment, health, tourism* meant to undermine government authority and pursue Neo-Ottomanist expansionist goals from Ankara. And they used MIT (The Turkish Secret Service), Turkish institutions and NGOs which weaponized local Muslim minorities to this end. How come the Romanian officials who authorized TIKA offices in Romania missed out on what others have been saying for quite some time about the activities of TIKA? We will provide multiple examples below.

Multiple Israeli intelligence reports and analysis show that TIKA is actually a cover for activities undermining Israeli sovereignty in Jerusalem and Gaza with the purpose to weaponize the Palestinians in order for Turkiye to regain some sort of Ottoman era influence in the area<sup>4344</sup>.

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<sup>41</sup> Brown, Hayes, *op.cit.*

<sup>42</sup> GVERNUL ROMÂNIEI, “Notă de Fundamentare la Hotărârea Guvernului nr. 1058/2022 pentru aprobarea Acordului între Guvernul României și Guvernul Republicii Turcia pentru finanțarea unor proiecte în anumite domenii, semnat la Istanbul la 31 martie 2022”, *Guvernul României, Monitorul Oficial al României nr. 841/2022.08.26*, accessed on 04.12.2023, [https://gov.ro/fisiere/subpagini\\_fisiere/NF\\_HG\\_1058-2022.pdf](https://gov.ro/fisiere/subpagini_fisiere/NF_HG_1058-2022.pdf)

<sup>43</sup> Shragai, Nadav, “Erdoğan's 'quiet jihad'”, *Israel Hayom*, January 06, 2020, accessed on 04.12.2023, <https://www.israelhayom.com/2020/01/06/erdogans-quiet-jihad/>

<sup>44</sup> KEEP JERUSALEM, “Foreign Minister Israel Katz: ‘The days of the Ottoman Empire are over’/Israel Hayom”, *Keep Jerusalem*, s.a., accessed on 04.12.2023, <https://keepjerusalem.org/foreign-minister-israel-katz-the-days-of-the-ottoman-empire-are-over-israel-hayom/>

Moreover, Israeli Katz, former Foreign Affairs Minister of Israel, was actually saying about TIKA in 2019 that: "We will not accept a situation in which the Turkish government headed by Erdoğan acts to create centres of unrest and incitement in Jerusalem through funding and holding radical Islamic activities [inspired by] the Muslim Brotherhood and under the auspices and disguise of religious, social, cultural, and educational activities."<sup>45</sup>

But TIKA seems to be much more than that, because among those we talked about earlier who funded Hamas terrorists is even a former head of TIKA's Gaza branch, Muhamad Murtaja, who was sentenced in 2018 to 9 years in prison in Israel for awarding funds from Turkiye to Hamas terrorists<sup>46</sup>. Moreover, an Israeli report states that "the Turkish TIKA agency is supplying funds to Hamas with Erdoğan's knowledge"<sup>47</sup>.

It was also the TIKA agency that helped Hamas terrorists flee from Gaza through Egypt to Turkiye in 2014, during an operation launched by the Israeli army against Hamas, called Operation Protective Edge. With the help of TIKA, Hamas terrorists went to Turkiye for "medical treatment"<sup>48</sup>. This means that Turkish secret agencies, acting on behalf of the Turkish Government, are actually using terrorist methods, terrorist agents recruited from Muslim and Turkic minorities, in order to successfully carry on their Ankara-based projects.

Just to show even more clearly the link between MIT (The Turkish Secret Service) and TIKA, there is a report showing that in 2021, the head of TIKA operations in Central Asia and the Caucasus was Ali Özgün Öztürk, none other than the brother-in-law of Hakan Fidan, at that time head of MIT and former director of TIKA. The report is saying that, according to

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<sup>45</sup> Kahana, Ariel and Israel Hayom Staff, "'The days of the Ottoman Empire are over'", *Israel Hayom*, October 07, 2019, accessed on 04.12.2023, <https://www.israelhayom.com/2019/10/07/the-days-of-the-ottoman-empire-are-over/>

<sup>46</sup> Bob, Yonah Jeremy, Jpost.com Staff, "Israel arrests head of Turkish humanitarian group in Gaza for financing Hamas", *The Jerusalem Post*, March 21, 2017, accessed on 04.12.2023, <https://www.jpost.com/arab-israeli-conflict/head-of-turkish-aid-group-in-gaza-arrested-by-israel-funneled-humanitarian-funds-to-hamas-484771>

<sup>47</sup> Dombe, Ami Rojkes, "Report: Turkish government agency providing funds to Hamas", *Israel Defense*, October 02, 2021, accessed on 04.12.2023, <https://www.israeldefense.co.il/en/node/48273>

<sup>48</sup> *Ibidem*.

some sources in Türkiye, the Turkish secret services (MIT) under the command of Hakan Fidan at that time were conducting covert intelligence operations in some countries, and the main agent was the very head of TİKA Central Asia and the Caucasus, Ali Özgün Öztürk, Hakan Fidan's brother-in-law. Moreover, about TİKA and espionage operations, the same analysis explicitly says that: "Under Erdoğan's directive, MIT has been investing in non-Turkish Muslim groups in foreign countries, developing foreign assets to mobilize for political purposes and arming and funding radical jihadist groups in Africa, the Middle East and Asia. In some operations TİKA has been used as a cover, with dozens of MIT agents planted at TİKA as aid and development workers. Nordic Monitor previously reported how TİKA employees were used as cash couriers to finance Hamas."<sup>49</sup> Again, secret services operating under the guise of "aid and development workers", "humanitarian aid", "cultural activities" etc. Same *modus operandi*.

According to another analysis, confirming this link between MIT secret services and institutions weaponizing minorities and related communities, quoting Turkish officials:

"Turkish intelligence agency MIT (Milli İstihbarat Teşkilatı) has recruited spies from diaspora communities in Europe, using nongovernmental organizations as a conveyor belt to reach out to candidates, Nordic Monitor has learned.

According to a well-placed government insider, MIT planted operatives in several key government agencies that deal with Turks and non-Turkish Muslim communities abroad to run the vetting and recruitment program.

The agencies that were used for covert intelligence operations are identified as the Turkish Development and Cooperation Agency (Türk İşbirliği ve Koordinasyon Ajansı, or TİKA), the Presidency for Turks Abroad and Related Communities (Yurtdışı Türkler ve Akraba Topluluklar Başkanlığı, or YTB) diaspora agency, the government's cultural arm abroad, the Yunus Emre Institute, and indoctrination and proselytizing entity the Maarif Foundation."<sup>50</sup>

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<sup>49</sup> Bozkurt, Abdullah, "Turkey's spymaster has been using a relative in development agency to mask covert ops in Central Asia, Caucasus", *Nordic Monitor*, February 27, 2021, accessed on 04.12.2023, <https://nordicmonitor.com/2021/02/turkeys-spy-master-used-his-kin-in-development-agency-to-mask-covert-ops-in-central-asia-caucasus/>

<sup>50</sup> Bozkurt, Abdullah, "Turkish intelligence runs covert recruitment programs in diaspora in Europe", *Nordic Monitor*, September 20, 2020, accessed on 04.12.2023, <https://nordicmonitor.com/2020/09/turkish-intelligence-runs-covert-recruitment-programs-in-diaspora-in-europe/>

So, the first one on the list is TİKA. And the same source explained how operatives were being handled and planted in agencies like TİKA or YTB (*Yurtdışı Türkler ve Akraba Topluluklar Başkanlığı - Presidency for Turks Abroad and Related Communities*) by the Turkish secret services MIT: "First, assets that were selected as candidates for future operatives were hired on a temporary contract basis by government agencies such as YTB, TİKA and others. Once a determination was made that they would be valuable to the spy agency, they were transferred to MIT and put permanently on the payroll."<sup>51</sup>

Moreover, the TİKA chief coordinator in Columbia, Mehmet Özkan, is said to have admitted that TİKA was spying on Gülen activists in Latin America<sup>52</sup>.

This being said about TİKA, we have to wonder why this agency was allowed to open offices in Romania in 2022. Especially since, except for Croatia, there are no other EU countries holding official TİKA headquarters.

**2. Diyanet.** Another key institution for Erdoğan's neo-Ottomanist plans is *Diyanet* (The Directorate for Religious Affairs), which was accused by Stockholm Center for Freedom that it spied in Romania using some imams<sup>53</sup>. By using *Diyanet*, Erdoğan wants to extend his influence in all Muslim or Turkic communities, and ideologize them in the way he wants to, maybe bring them along his grand Neo-Ottomanist and expansionist project. Would we really want that for our citizens, for our societies?

**3. There is also a very recent and interesting PhD thesis** at the National Intelligence Academy regarding Tatar and Turkish communities in Romania. It claims the exact same conclusions we have drawn regarding certain Turkish institutions, even though they are not specifically mentioned in the summary of this thesis, which is the only part of the research

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<sup>51</sup> *Ibidem*.

<sup>52</sup> SCF, "Official confesses Turkey's development agency spying on Gülen followers in Latin America", *Stockholm Center for Freedom*, July 31, 2017, available online <https://stockholmcf.org/official-confesses-turkeys-development-agency-spying-on-gulen-followers-in-latin-america/>, accessed on 04.12.2023.

<sup>53</sup> SCF, "Diyanet imams spied on Gülen sympathizers in Romania", *Stockholm Center for Freedom*, April 2, 2017, available online <https://stockholmcf.org/diyanet-imams-spied-on-gulen-sympathizers-in-romania/>, accessed on 04.12.2023.

available online for now: “The study highlights the fact that under the umbrella of efforts to preserve and promote identity values, the mission of the organizations representing the two ethnic communities can be used for purposes other than cultural ones.”<sup>54</sup> And “a group (n.r. of Tatar and Turkish ethnic Romanian citizens) called generically “unaffiliated ethnic people”, which, through the increased trust they develop towards foreign entities (diplomatic representations accredited in Romania) at the expense of Romanian public institutions, risk becoming a security vulnerability.”<sup>55</sup> In other words, even though not explicitly mentioned in the paper, we reiterate that leaving Romanian citizens of Tatar and Turkish origin at the expense of Turkish agencies like TIKA or YTB, Diyanet etc. or Russian agencies risks developing vulnerabilities for Romania. Again, we have to wonder, why did Romania allow TIKA to officially open offices in Bucharest?

In fact, this research also highlighted attempts of foreign interference: “it emerged that the two communities (n.r. Turkish and Tatar) have been exposed so far to attempts at external interference. Whether we are talking about the ethnic factor, whether we are talking about the religious one, both components prove to be possible levers to penetrate communities, to influence and manipulate them, which constitutes a threat not only to national security, but also externally, considering the geopolitical evolution in the Black Sea region. In this context, the tendency of “non-affiliated ethnics” to find a protector in a foreign entity on the basis of non-affiliation with the organization that represents them is an alarm signal, but also a strong argument for the two unions to reconsider their policies for managing their own communities. (...) we believe that the threats resulting from this research can generate security problems and can make communities vulnerable if protective measures are not strengthened.”<sup>56</sup> Which is exactly our conclusion as well.

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<sup>54</sup> Bunea, Adina-Elena (c. Bocai), “Rolul componentei identitare în consolidarea politicilor de securitate la Marea Neagră. Studiu de caz: comunitățile de turci și de tătari din Dobrogea”, *Academia Națională de Informații “Mihai Viteazul”, Școala Doctorală Informații și Securitate Națională*, Rezumatul Tezei de Doctorat, București, 2023, p. 11, accessed on 04.12.2023, <https://www.animv.ro/wp-content/uploads/2023/08/Rezumat-teza-Adina-Bunea.pdf>

<sup>55</sup> *Idem*, p. 12.

<sup>56</sup> *Idem*, p. 14.

## ***Conclusions***

Some may rightfully argue that Romania and Turkiye are now allies. Yes, we are, and we hope we will be for a long time, but the u-turns taken by Erdoğan's policies over the years are well-known, his expansionist neo-Ottoman policies are well-known, and so are his increasingly radical Islamic policies and narratives, so inserting TIKA in the Romanian society is inserting an obvious vulnerability which will always indoctrinate and act according to Erdoğan's policies and interests. And if Erdoğan's interests will one day differ even more from NATO or Romanian interests, TIKA indoctrinated agents will be here to do harm.

The analyses and reports we cited earlier show that Turkiye's and Erdoğan's "enterprising and humanitarian" policy seems to be a genuine strategy, a genuine system carefully put in place in order to use MIT secret agents, recruited throughout different countries (some reports point out Austria and Germany, for example) out of local Turkic or Muslim minorities, in order to weaponize them and radicalize them according to the interests in Ankara under the guise of "cultural" and "humanitarian" work. A very cynic approach to minorities and good relations with neighbouring countries. And Romania is in the frontline as well.

## **Weaponization of minorities by the Secret Services of Hungary**

It is very interesting that in Romania no one talks about the Hungarian secret services and their collaborators. That probably means that they are doing a very good job. And while we're theoretically allies, just like with Turkiye, we should probably be worried, for a number of reasons. It is very good that the world is talking about the collaborators and actions of the Russian secret services in Romania and all over the world, but if we do not also talk about the Hungarian ones, we are missing a big part of the problem and a big part of the Russian allies. Because the Hungarian secret services have been, for about 100 years, the best collaborators with the Russian/Soviet ones.

Why does it matter? Because this is in fact a bigger problem than just for Romania. It is a problem for NATO and EU as well, because Hungarian

secret services are notorious for their close collaboration with the Soviet and Russian secret services.

For example, in 2016, two Russian arms smugglers were arrested in Hungary<sup>57</sup>, following an operation directed from the US. The State Department wanted to have them extradited to the US. But the Hungarian government, instead of extraditing them to the US, as the US demanded, extradited them to Moscow. The same conclusion, that the Hungarian secret services are collaborating very closely with Russian ones, resulted from a DW investigation and from the explicit statements of a member of the European Parliament<sup>58</sup>.

Moreover, the head of the Hungarian secret services is the very Foreign Minister in Budapest, Peter Szijjarto, who was awarded by Vladimir Putin in 2021 with the “Order of Friendship”, the highest Russian order that can be awarded to a foreigner.

That being said, in relation to Romania, the Hungarian secret services started trying to weaponize ethnic Hungarians from 1918, the unification of Transylvania with Romania. There are 3 different time frames for this weaponization by the Hungarian secret services of minorities against Romania.

**1. The first one was between 1918-1944**, marked by close collaboration with Soviet secret services against Romania, at least until the break of WW2.

According to the writings of a Romanian counter-intelligence operative from the 1940s, even from the beginning, in 1918-1920, the Hungarian secret service tried to weaponize minorities within Romania and relied on operatives recruited from within the Hungarian minority in Romania (and

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<sup>57</sup> Dungaciu, Dan, “Americaniii capturează traficanți ruși de arme în Ungaria, iar Budapesta îi extrădează la ... Moscova”, *LARICS*, December 3, 2018, accessed on 04.12.2023, <https://larics.ro/americaniii-captureaza-traficanti-rusi-de-arme-ungaria-iar-budapesta-ii-extradeaza-la-moscova/>

<sup>58</sup> Marian, Mircea, “Serviciile secrete maghiare sifonează la ruși de ani întregi, susține un europarlamentar francez. Surprinzător este că nimeni din Consiliul European nu reacționează”, *Defapt.ro*, February 8, 2023, accessed on 04.12.2023, <https://defapt.ro/serviciile-secrete-maghiare-sifoneaza-la-rusi-de-ani-intregi-sustine-un-europarlamentar-francez-surprinzator-este-ca-nimeni-din-consiliul-european-nu-reactioneaza/>

did the same for other adjacent countries), also relied on the ethnic Hungarian party at that time and on Hungarian churches in order to disorganize the Romanian authorities, manage to counter Romanian intelligence activities and, eventually, to try and reoccupy Transylvania.<sup>59</sup> There is a detailed description of the Hungarian secret service activities in relation to Romania within that time frame.

According to Larry Watts, Bela Kun, the future leader of Communist Hungary, was one of the Soviet secret agent infiltrated in Hungary under the guise of Red Cross workers meant to help the Hungarian wounded (again, the “humanitarian” disguise used by secret service agents, just like in the case of Turkiye, as we showed earlier). Soon, the Bolsheviks started in Transylvania terrorist attacks, propaganda and paramilitary violences, led by Hungarian soviet agents, similar to the activities happening in Bes-sarabia<sup>60</sup>.

Another testimony regarding Hungarian secret services operating on Romanian soil regard Albert Wass, a Hungarian upper class individual from Transylvania, condemned for war crimes committed in 1941, and Ede Atzel, a baron, had engaged in “ethnic cleansing operations in Transylvania, in cooperation with Hungarian spying agencies and government officials”<sup>61</sup>.

Hungarian secret services started a very energetic propaganda campaign in Hungary, in the Western world, but also in Transylvania, and established different institutions for propaganda and intelligence ends: Hungarian National Defence Union, and later on, “For a better organization of propaganda, the Association for the Defence of the Country (M.O.V.E.) was established in Budapest, with branches in all the cities, headed by General Staff Captain Gyula Gömbös”<sup>62</sup>. This was in close connection with another propaganda institution, the League for the Integrity of Hungary, which organized “teams of spies and agents for Transylvania and Banat.”<sup>63</sup>

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<sup>59</sup> Dumitru, Ioan, *Spionajul Maghiar în România 1918 – 1940*, Timișoara: Editura “Concordia”, 1990, pp. 11, 81.

<sup>60</sup> Watts, L. Larry, *op. cit.*, pp. 77-79.

<sup>61</sup> *Idem*, p. 573.

<sup>62</sup> Spânu, Alin, *Informații, propagandă și contraspionaj în Transilvania, Ungaria și Banat (1918-1920)*, București: Editura Militară, 2020, p. 72.

<sup>63</sup> *Ibidem*.

Temes Schillinger was the head of Hungarian intelligence and propaganda for Romania (including Transylvania). There are detailed accounts about the way his secret service used Transylvanian agents to spread propaganda in Romania and gather intelligence, trying to weaponize Hungarian minority ethnics to this end.<sup>64</sup> The Hungarian secret services did not try to use only Hungarian ethnics against Romania, but also German ones, for example, Frederick Kraft.<sup>65</sup>

Just to see to what extent the Hungarian secret services were trying to weaponize Hungarian ethnics in Romania, we cite from Larry Watts: "Budapest treated all Hungarians placed in useful positions as potential agents. In 1940, Budapest had detailed information on "1,600 Romanian officers and civil servants, married to ethnic Hungarians, and on over 3,000 more Romanians related to some degree to ethnic Hungarian families", as well as on the identity and background of all ethnic Hungarians employed in railway stations, warehouses and railway workshops in Transylvania" and at all electrical and water plants in Transylvania". The intercepted orders requesting such information stated that it was "necessary" for "the sabotage operations that were to take place in the event of a Romanian-Hungarian conflict".<sup>66</sup>

## 2. The second time frame was between 1945-1989

After 1945, leaders from Budapest encouraged Hungarian ethnics to infiltrate all ranks of The Romanian Communist Party and be disciplined in order to get to higher ranks in state administration and serve "the Hungarian Cause".<sup>67</sup>

AVH (Hungarian secret service after 1949) and KGB agents kept spreading rumours in Transylvania about a so-called inevitable divide of Romania and reoccupation of Transylvania by Hungary, in order to halt Romanian efforts of integrating the Hungarian minority and to put pressure

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<sup>64</sup> *Idem*, p. 73.

<sup>65</sup> *Idem*, p. 74.

<sup>66</sup> Watts, L. Larry, *op. cit.*, p. 101.

<sup>67</sup> *Idem*, p. 167.

on Romanian political leaders.<sup>68</sup> A true weaponization of a minority for ideological and geopolitical gains by the Soviets and the Hungarian regime.

We find again that the collaboration between Soviet and Hungarian secret services was at a very high level, all through this time frame, as Larry Watts points out its true extent: "In this regard, all Budapest operations against Romania were Soviet-Hungarian operations and could rely, when necessary, on Soviet resources, infrastructure and informational assistance."<sup>69</sup>

About the strategies used by Hungarian Communist propaganda and intelligence operations directed against Romania after 1945, the same expert Larry Watts notices that: "The policy of the Hungarian Socialist Workers' Party (HSWP) of carrying out a network of provocative operations in Romania, which they then presented in the West as purely humanitarian aid for persecuted co-ethnics, accompanied by the barrage of propaganda that discredited the country abroad, was so similar to the policy implemented by Admiral Horthy since the beginning of his government, as if it was based on his own operative orders."<sup>70</sup>

It is not difficult at all to notice a striking similarity with many contemporary strategies originating from the secret services in Budapest. For example, the dramatic situation of Mihăilă Cofariu, a Romanian ethnic beaten almost to death by Hungarian ethnics in 1990 in Târgu Mureș, who, according to a report broadcast all over the world, was depicted by a Sky News reporter as being a "Hungarian beaten up by Romanians". This just comes to show that the Hungarian secret services possess very good disinformation skills, propaganda and informational war skills weaponizing ethnic problems, weaponizing minorities in order to suit their geopolitical goals.

### **3. The last time frame stretches from 1990 until today**

More recently, the famous inter-ethnic violences in Targu-Mures in 1990 were the result of an intense consistent effort by Hungarian secret service agents, which had been preparing for creating inter-ethnic tensions and violent events like these since 1989. AVO, the Hungarian secret

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<sup>68</sup> *Idem*, p. 473.

<sup>69</sup> *Idem*, p. 564.

<sup>70</sup> *Idem*, pp. 567-568.

services, were training paramilitary forces to use in Romania with at least a year earlier. In short, in 1990, AVO, the Hungarian secret services at the time, weaponized part of the Hungarian minority in Romania in order to destabilize the country (and its eventual partition).<sup>71</sup>

Before these ethnic violences occurred in Târgu-Mures, AVO (the Hungarian secret service), Karoly Kiraly (a Romanian citizen of Hungarian descent), Moscow-schooled Hungarian spy chiefs, and Hungarian “tourists” with chauvinistic propaganda materials prepared the ground for these violences in the early 1990 (propaganda materials being printed at AVO and the Hungarian Communist Party)<sup>72</sup>.

Károly Király, the second man in the Romanian state, had just travelled to Budapest in February 1990 and was in contact with AVO (the Hungarian secret service), as he was a secret agent for them. Larry L. Watts believes he was a Soviet secret service agent as well.

Another recent key event was the 2016 report by Sky News again, purportedly presenting an interview with so-called “gun dealers” and smugglers in Romania<sup>73</sup>. This report came at a particular sensitive time in Europe, when the public opinion was shocked by multiple terrorist attacks and threats. Obviously, this fake report dealt a huge blow to the public image of Romania, especially as the author of the report explicitly said that the members of the gang “made it clear they would sell to absolutely anyone; bank robber, mass murderer or terrorist, they made no distinction”<sup>74</sup>. And the fact that this “Romanian gang” was actually made up of ethnic

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<sup>71</sup> To be clear, we want to point out that the Hungarian secret services managed to weaponize only a small part of the Hungarian minority in Romania, by no means all of it, and we are convinced that the majority of Romanian citizens of Hungarian ethnicity were back then and they are now loyal citizens of Romania and they keep themselves away from such turbulences and propaganda inciting disobedience and inter-ethnic violence.

<sup>72</sup> More can be read in Tudor Păcuraru and Florian Bichir, *Târgu Mureş 1990: Zori Însângerate. Conflictete interetnice din 1989-1990 în Dosarele CNSAS*, Bucureşti: Editura Evenimentul şi Capital, 2021.

<sup>73</sup> Ramsay, Stuart, “Gang Selling AK-47s 'Bound For Western Europe'”, *Sky News*, August 7, 2016, accessed on 04.12.2023, <https://news.sky.com/story/gang-selling-ak-47s-bound-for-western-europe-10526393>.

<sup>74</sup> *Ibidem*.

Hungarians, with dual citizenship, Romanian and Hungarian<sup>75</sup>, makes us believe that just like with the Sky News report in 1990, the secret services of Hungary were in fact involved in this disinformation campaign against Romania. We mention again that there was another Sky News report in 1990 in Târgu-Mureș falsely claiming Mihăilă Cofariu was a Hungarian ethnic being beaten by Romanian ethnics<sup>76</sup>, when in fact it was the other way around – a Romanian ethnic being beaten almost to death by Hungarian ethnics, manipulated and electrified by the AVO propaganda we mentioned earlier.

These two brief examples with false reports coming from Sky News come to show just how much influence and impact the Hungarian diaspora and secret services have in Great Britain, they historically had very good secret agents there. Larry L. Watts gives more details in this regard in his book, *With Friends Like These...*

## Conclusion

From all of the above, it is easy to notice there are two very different approaches regarding minorities worldwide. One approach is what nations like Romania are doing, which is implementing democratic institutions, regulations and laws aimed at protecting and respecting minorities' rights and cultures within their borders. A very different approach comes from countries like the four mentioned earlier in our analysis, who regard minorities at home or abroad as mere tools to be used in order to pursue different geopolitical, political, economical, personal or group goals and use their secret services in order to weaponize citizens belonging to these minorities.

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<sup>75</sup> Vulcan, Dora, "Condamnări cu suspendare pentru românii din reportajul Sky News", *Europa Liberă România*, February 15, 2021, accessed on 04.12.2023, <https://www.google.com/amp/s/romania.europalibera.org/amp/condamn%25C4%2583ri-cu-suspendare-pentru-rom%25C3%25A2nii-din-reportajul-sky-news-/31104513.html>

<sup>76</sup> Suci, Dorin, "EXCLUSIV: Sky News, activ încă din 1990 în războaiele de imagine împotriva României. Târgu-Mureș, martie '90 – Anatomia unei diversiuni. Un martor ocular face dezvăluiri în revista veteranilor SRI", *Ziaristi Online*, August 12, 2016, accessed on 04.12.2023, <https://www.ziaristonline.ro/2016/08/12/exclusiv-sky-news-activ-inca-din-1990-in-razboaiele-de-imagine-impotriva-romaniei-targu-mures-martie-90-anatomia-unei-diversiuni-un-martor-ocular-face-dezvaluire-in-revista-veteranilor-sri/>

And sometimes, even under the guise of “humanitarian” and “cultural” work we can find foreign secret agents with non-benign interests.

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The year 2023 marks a crucial moment for the future of the European political calendar, a period in which the topics of migration and security begin to dominate discussions and electoral campaigning, fracturing the European stage. Leaders with nationalist orientations are starting to intensify their rhetoric against European solidarity towards refugees and European migration management tools, capitalizing on longstanding legal anxieties concerning national security and European identity.

In this complicated international context, the volume *Migration Dynamics and New Trends in European (In)Security – Legislation, People and Identity*, highlights, through a transdisciplinary approach, the interconnected relation between migration, in/security, identity and European policy. The book offers a dynamic perspective on migration, refugees, EU's security policy, citizenship legislation in EU, ethnic minorities, gender and societal security.



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