



## Issues linked to the cooperation in the field of fight against security threats

**Authors:** Buftea Gavrilă<sup>1</sup>, Daniela Camelia MIREA<sup>2</sup>

<sup>1</sup>Specialist, Civil Society., gavrila.buftea@mestermaramureseni.ro

<sup>2</sup> Specialist, Civil Society, mirea.daniela@yahoo.com

<b>Content description:</b>	The article tackles with the main issues linked to the cooperation in the area of fight against security threats, including the role of cooperation, regional and European cooperation.		
<b>Keywords:</b>	Threat, assessment, European cooperation, public order		
<b>Article info:</b>	<b>Received:</b> 03/03/2014	<b>Approved:</b> 9/04/2014	<b>Pages/ words:</b> 5/2388

*Content of the article:*

*a. Introduction*

*b. The role of the cooperation in the counteract and eradication of threats*

*c. Regional cooperation*

*d. European cooperation*

*e. International cooperation*

*d. Conclusions*

### Introduction

The beginning of the 21<sup>st</sup> century is characterized by major political changes which have a significant influence upon the Euro-Atlantic and European security systems. In the current security environment, the cooperation of the states to provide the own security and to promote and protect both the national interests and the universal values continue to intensify under the more clear statement of the principles of democracy and of the market economy.

The hierarchy of the centers of power has known a significant change, both through the change of the way in which the main characters assume and play their own roles and through the progressive emphasis of the strategic reconfiguration trends of the partnerships, according to the security interests and scopes of the main actors.

As for the globalization, the role of the non-state actors in global environment has been reinforced step by step, emphasizing their influence upon the policy of the states. The impact of the international terrorist organizations and of the cross-border criminality established the creation of certain mechanisms of answer and of certain new state strategies to counteract the threats and hazards to the national security.

As for the regional plan, there are premises of a lasting stability, once the states from the Central and Eastern Europe have been accepted in the North-Atlantic Alliance and in the European Union. The danger of occurrence of a major military fight in Europe has been significantly reduced.

In the spaces around the eastern and southern Europe, there are still the sources of instability and crisis, which may lead to the launch of conflicts. Certain political-military crises have instability propagation capacity to their peripheral areas, affecting the integration, cooperation and partnership processes in a negative way.

The need to project the stability, security and prosperity to Caucasus, Central Asia and Middle East, as well as the amplification of the competition for raw materials and strategic resources increase the general interest to the spaces outside Europe.

The threats of the present to security differ essentially from those which were poisoning the international relationships a decay and a half ago. They do not address directly and brutally to the states from the other side of the Berlin Wall or from the “North-South” economic line anymore. The threats are having a more complex nature now.

The existing condition imposes the use of new techniques of fight corresponding to the concrete circumstances.

### **1. The role of the cooperation in the counteract and eradication of threats**

The current environment is making us take into account the fact that we cannot insure our own security, as compulsory condition for progress and prosperity, without our neighbor and not against him. We depend on the others, we need shared solidarity to counteract the threats and hazards to our future.

A series of political, economical, security and cultural issues can have a better approach and can be better solved within a homogenous environment, where there is a certain cohesion and a common development experience. The regions can offer the proper frame for the settlement of certain mechanisms of cooperation, which contribute to the international security environment.

After the Cold War was over, starting the second half of the past decay, a large range of cooperation mechanisms has been developed in order to remove the wrong perceptions and the counteract of threats and hazards to the common security worldwide.

The success will be preconditioned by the engagement and attention granted by the governments for the inter-governmental international cooperation. For solving the international law problems, a concerted action of imposing the law is necessary, including by the settlement of bridges: army and police, or with other institutions and vice-versa, reliable as constructive relationships.

It is new the fact that, due to the deep changes occurred in the security context, the reach of the political scopes through political means has never been so big. Currently, all the consequences arising from the fact that the security and the stability have also a political, economic, social and ecological dimension, beyond the indispensable dimension of defense, can be effectively exploited. Faced to the diversity of defiance the entire international community fights with, a broader conception on the security has been imposed.

The promotion of new bi- and multilateral, larger and more productive means of cooperation is necessary, in all the significant fields of the European and international security, the purpose being especially the prevention of the crises and to insure their more effective management if necessary.

Such cooperation policy must become the expression of the feature of inseparability of the security of the states.

The general concept of encouragement of the international cooperation is based on the general will of European and worldwide security.

The security policy will be developed under the dialogue, cooperation and effective collective defense, which will bring essential contributions to the settlement of a lasting peace.

### **2. Regional cooperation**

In this way, the cooperation agreements Romania has entered into with the Eastern-European states having as scope the prevention, counteract, detection, discovery and investigation of crimes related to the organized crime provide the cooperation with the specialized authorities from these states in the following fields:

- illegal cultivation, production, manufacturing and illegal traffic of narcotics and psychotropic substances;
- illegal production, illegal traffic and use of precursors and chemical substances essential for the illegal manufacturing of narcotics and psychotropic substances;

- illegal traffic of guns, including biological, chemical and radiological weapons, ammunition, explosives, nuclear and radioactive materials, as well as toxic substances;
- illegal international economic activities and legalization of incomes (money laundry) originating from illegal actions, economic and suspect bank transactions and abuses in the field of investments;
- smuggler;
- illegal activities related to migration, illegal cross-section of the borders and human flesh traffic;
- sexual exploitation of women and underaged;
- counterfeit and falsification of bills, credit cards, bond papers, as well as any type of identification document;
- crimes with violence against life and property;
- illegal traffic with historical and cultural patrimony objects, with precious stones and metals, with intellectual properties and with other valuable objects;
- corruption;
- crimes in the ecological field;
- crimes in the field of the high technologies, including in the computer field;
- kidnapping and traffic with human organs;
- crimes in the maritime field (maritime fraud, piracy)
- vehicle theft and illegal traffic, etc.

The cooperation is developed under the requirements submitted by the state competent authorities. They are usually addressed in writing, but in emergency situations, the requests can also be submitted orally, provided the submission of a subsequent written acknowledgement. A cooperation request can be rejected in total or in part if its satisfaction jeopardizes the sovereignty, security, public order or other state important interests or is against the national laws or the state international liabilities.

Between the cooperation agreements in the counteract organized criminality, the Trilateral Agreement concluded between Romania, Government of Republic of Moldova and the Minister Cabinet of Ukraine was entered into in Kiev, on July 6<sup>th</sup>, 1999, as well as the one entered into with Republic of Armenia on October 31<sup>st</sup>, 2001 being of reference, the cooperation mainly following the fight against:

- organized international criminality;
- terrorism;
- production, possession, procurement, exportation and illegal importation of narcotics, psychotropic substances and precursors, their transition and illegal traffic;
- illegal procurement and possession of guns, ammunition, explosives, poisoning, paralyzing and radioactive substances, etc.

In the last years, the Romanian authorities have cooperated with neighbor states within certain regional operations, for the fight against illegal traffic of persons. Ukraine has been among the countries which constantly joined to the operations developed in the cooperation with the member states of SELEC or EUROPOL, as observer, the highly known being “Miraj”, “Girasole” and “Road Show II”. As a response to the challenge launched by the alarming increase of the cross-border criminality phenomenon, of the organized crime in its extreme forms, the Program called to insure the political, military, economic and social stability in the south-eastern Europe was launched in 2000. This is based on the consultations between the US Government and the European Union that had as final scope 8 programs covering different economic-social fields.

The international analyses and documentations which were the base of such initiative proved the fact that, in most of the states in the region, despite certain positive outcomes registered against this scourge, the difficulties in the investigation and sanction of the criminal deeds of this type, the

limited cooperation among the national and international agencies, have pushed this phenomenon to increase in intensity and forms of manifestation.

Romania has constantly searched in all these years to align to the effort of the international community, bringing an active contribution to such policies, being observed the proposition it raised within a reunion of the Agenda Committee of the political, economic and social stability Progra in the south-eastern Europe related to a project called “Prevention and Counteract the Cross-Border Criminality”. Such proposition was concretized through the conclusion of a Cooperation agreement for the prevention and fight against the cross-border criminality, signed in Bucharest, on May 26<sup>th</sup>, 1999 and ratified by Romania under the Law no. 208 from December 31<sup>st</sup>, 1999.

According to the provisions of the Emergency Ordinance no. 201/2000 regarding the creation of the necessary institutional frame for the operation of the Regional Center of the Cooperation Initiative in the South-Eastern Europe for the fight against the cross-border criminality, approved through the Law no. 357 from 2001, the National Focus Point has been created.

The business scope of this newly created structure is represented by the operative cooperation between the competent structures with responsibilities on this line from the Ministry of the Interior and the Ministry of Public Finances – National Customs Agency with the corresponding agencies from the states attending the Regional Center of the Cooperation Initiative in the South-Eastern Europe for the fight against cross-border criminality.

### 3. European cooperation

Starting the need to know and assess, for fruition, the positive and negative experiences of other states in the field of fight against the threats to the national security, the international cooperation business has been mainly focused in the past years on the performance of an effective legal frame of cooperation with the similar ministries and institutions from the European space, and also from other areas of the world (Middle and Far East, Latin America, etc.).

For this scope, agreements and cooperation conventions have been concluded, on governmental and inter-ministry level, with all the countries from the Central and Eastern Europe (Albany, Bulgaria, Czech Republic, Cyprus, Lithuania, Macedonia, Moldova, Poland, Slovakia, Slovenia, Turkey), with some states from the space of the former Soviet Union (Belarus, Russia, Ukraine) and with member states of the European Union (France, Greece, Italy, Great Britain) or from Latin America (Uruguay and Argentina) and from the East (India, Morocco, China).

A special point is set on the performance of a more operative collaboration, in the field of application of the cooperation frame, mainly through the creation of certain ways and channels of information and operative data exchange to permit the fast and effective fight against the activity of the international organized crime groups, of the terrorist groups, as well as the identification and apprehension of their members.

The fundamental changes of the European political scene in the past two decades have established a series of major mutations in the economic and social systems of the states on this continent, but mainly upon those from the South-Eastern Europe. Such mutations had a decisive influence upon the fight against criminality with cross-border nature and implicitly have led to the development of the international cooperation.

Under the current globalization conditions of the criminal phenomenon, the fight against the cross-border criminality scourge has appeared as urgently needed. Such wish can be accomplished only through a common, sustained fight, practiced on cross-national level, with mutual support of the law application authorities from the involved states.

An effective legal instrument of fight against the cross-border criminality and terrorism, adopted by most of the interested states, is represented by the bilateral or multilateral cooperation agreement in the field of fight against different types of criminal actions to be manifested on regional, European or worldwide level.

Keeping the started line in the direction of the integration in the European Union and the Euro-Atlantic structures, Romania is making sustained efforts to the adoption of the best European practices and of the recommendations of the European experts both in the legal and internal affairs field (fight against criminality, of the cross-border organized criminality and the insurance of a safe and secure environment), and in the other fields resulted from the adoption of the *acquis communautaire*.

Currently, the Romanian Government represented by the competent institutions in the national security system and the corresponding authorities dealing with the application of the laws from other states entered into over 50 bilateral cooperation agreements in the field of fight against different types of threats and hazards to the national security.

The main fields of cooperation, developed through such bilateral agreements are:

- fight against the illegal traffic of narcotics and psychotropic substances;
- fight against organized criminality;
- fight against international terrorism;
- fight against illegal traffic of persons;
- fight against clandestine immigrations;
- cooperation in the field of the criminal law;
- insurance of the specific protection measures of the dignitaries, etc.

#### 4. International cooperation

Starting from the fact that there is not yet an universal instrument to address to the general aspects of such manifestations, through the Resolution no. 53/111 from December 9<sup>th</sup>, 1998, despite the existence of a variety of international legal instruments containing practical rules and measures of fight against different forms of threats and hazards to the national security, the General Assembly of the United Nations decided the incorporation of an on-site committee, in charged with the issuance of an international convention against the unconventional threats, namely the organized crime.

Therefore, on November 23<sup>rd</sup>, 2000, in Palermo, the “Convention of the United Nations against the cross-national organized crime” was opened for signature, a document of great importance whose declared scope is the one to promote the cooperation between the states for the prevention and more effectively fight against such worldwide spread phenomenon.

The scope of application of such convention by the signatory states is the prevention, criminal pursuit and criminal prosecution for the crimes of participation to an organized crime group, laundry of the outcomes of the crimes, corruption and obstruction of justice, and serious crimes such as they are defined in the Convention, in cases in which the crime is cross-nation and involves an organized crime group. Two additional protocols complete the provisions of the Convention for the avoidance and fight against organized cross-national crime, as it follows:

- Protocol against the contraband with emigrants on land, water and in air, additional to the Convention of the United Nations against the cross-national organized crime;
- Protocol regarding the avoidance, suppression and punishment of the traffic of persons, especially with women and children, additional to the Convention of the United Nations against the cross-national organized crime.

The two additional international instruments of the Convention are interpreted with such Convention, including provisions regarding the incrimination in the national laws of the crimes regarding traffic of persons and contraband with emigrants, the protection of the victims of the traffic and their repatriation, the return of the emigrants, measures of prevention, security and cooperation to the borders, exchange of information and support in the training of the staff of the institutions with competence in such field.

At the beginning of the 21<sup>st</sup> century, the dynamics of the contemporary phenomena confirms that an important and constant characteristic of the evolution of the human communities is the

globalism. Even the security, so closely related to the national idea, manifests a high globalization tendency at the beginning of the third millennium.

Having the institutional origins at the end of the first world war, such globalization tendency of the security is a much more complex and integrating phenomenon than the coalitions and military alliances that have preceded, being closely related to the appearance of the first international organizations of collective security and of development of the international law as legal support of structuring of the universal community.

Worldwide, the issue of the international peace and security belongs to the exclusive competence of the United Nations, while on continent and area level, several international security organizations can coexist.

➤ The legal and operational frame, specific to the management of crises, to concentrate both provisions of the international regulations and the experience cumulated during the last decades in solving the non-military crises and conflicts or those which have not known the level of the military conflict, precisely due to the threat prevention actions.

The current condition of the threats to the national security imposed the development of the operational capacity of inclusion, knowledge, prevention and fight against, as well as its adaptation to the requirements imposed by the predictive evolution of the factors with risk potential for the national security.

## 5. Conclusions

Having into view that the criminality has been widely spread, getting more cross-border valences, as well as the fact that the others

Having into view that the threats to the security got cross-national valences, the fight against them is possible only under cooperation.

In this way, our country has been aligned to the European tendencies to increase the cooperation, being more present within the actions. Romania made its own demarches, on regional or even international level to increase the fight capacities against the current threats. Therefore, a great number of collaboration documents have been signed.

The globalization has entered to all the environments, including the criminal one. The management of criminality is not possible without collaboration measures.

