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**INTERNATIONAL NORMATIVE FRAMEWORK IN SECURITY MATTERS  
IN THE CONTEXT OF REGIONAL CRISES**

**SPECIALITY 552.08 – PUBLIC INTERNATIONAL AND EUROPEAN LAW**

**ABSTRACT**  
**of Doctoral Thesis in Law**

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The Doctoral thesis and the abstract may be consulted at the Library of the Free International University of Moldova and the web page of the Free International University of Moldova (<https://ulim.md/doctorat/sustinerea-tezelor-de-doctorat/>) and the National Agency for Quality Ensuring in Education and Research (<http://www.cnaa.md/>).

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## 1. Concept elements of the research

**Actuality and importance of the research.** Despite the exclusion of war from the list of mechanisms for resolving conflicts between states through a series of international normative acts with indisputable legal value, this phenomenon that developed and evolved with technical and scientific progress can still be seen today as an inherent part of daily life of international relations. The mechanisms and instruments of operation in hostilities have changed substantially, the methods and means of conducting war have diversified and evolved, and the regional crises are one of the greatest challenges of the international normative system of ensuring the international peace and security, which is managed by the United Nations through its structures in strict accordance with the provisions of the UN Charter.

The regional international organizations are formed on the basis of the principles and procedures established by the public international law and are essential elements of the international system for preventing and combating the negative effects of persistent regional crises. The causes of these crises are very diverse, and the mechanisms and instruments for settling them are set out both internationally in the UN Charter and at the regional level in the constitutive acts of the regional organizations that aim at ensuring the peace and security.

The actuality and importance of the research lies in elucidating the legal regulation of the interaction process between the regional organizations and the UN Security Council in the process of preventing and combating the negative effects of the regional crises and their cooperation to settle the regional crises to ensure the international peace and security.

Despite the existence of clearly defined action procedures in the event of a regional crisis, the practice of preventing and intervening for regional organizations to settle them is proving to be quite different. For example:

- NATO intervened in order to settle the regional crises on the territory of states that were not part of that organization at the time, without having an express mandate from the UN Security Council which would have set very clearly the territorial and temporal limits of intervention;

- The African Union and other regional structures on the African continent have provided in its constitutive acts the right to intervene violently in order to ensure the peace and security in the region or to prevent unconstitutional riots on the territory of the states members, without prior notice of the Security Council. UN. The permissive interpretation of the provisions of the UN Charter to identify the possibility for African regional international organizations to intervene promptly,

including through instruments of impelling and ensuring the peace and security and to prevent changes of government by force in the states members, is a real challenge for the normative system, aimed at ensuring the international peace and security;

- The League of Arab States, despite being the oldest regional structure among those analyzed and proposing among its statutory objectives, including ensuring the regional peace and security, failed to prevent the outbreak of international armed conflicts in Iraq and Syria, was unable to provide an effective settlement to the regional crisis between Israel and Palestine and has not met the challenges generated by the crises in Lebanon and Yemen.

All these findings substantiate the importance of analyzing and studying the essence of the regional crises in these regions in order to identify the factual and normative causes that did not allow to achieve the established objective and to identify international legal mechanisms and procedures that could significantly contribute to preventing new regional crises and to peacefully settling the existing ones.

The actuality and the importance of the research lies in the need to:

- to identify a uniform interpretation of the provisions of the UN Charter as regards the place, role and possibility of intervention in the regional structures in the process of guaranteeing and ensuring the peace and security in the concerned region.

- to set the priorities for early detection and intervention to prevent the crisis from escalating into a major armed conflict, emphasizing the importance, necessity and effectiveness of using regional organizations as platforms for interaction between their states members in order to prevent and settle the regional crises.

- to prioritize the imperative to ensure the international and regional peace and security in line with the individual, circumstantial and selfish interests of states with global or regional power or local leaders.

- to analyze the precedents of forceful intervention of the regional organizations to ensure the regional peace and security within the limits set by the constitutive acts or internal mechanisms for rapid intervention to ensure peace and security on the territory of the states members and to prevent degeneration of existing crises into genuine armed conflicts.

**Purpose of the research.** In the light of the indisputable actuality and the importance of this research, the aim of the paper is to establish the place, role and position of the regional organizations in the process of ensuring the regional peace and security and to conduct a comprehensive research

of international legal mechanisms and instruments that will ensure the active and effective implication of the regional structures, within the limits set by the UN Charter and the UN Security Council in settling the regional crises, thus contributing to ensuring the international peace and security.

**Objectives of research.** To effectively achieve the proposed goal, the following main objectives of this research are set:

- Comprehensive and equidistant analysis of the exegetes works in the field of the public international law and the identification of reasoned positions in the interests of one or another party affected by the crisis object of the research.

- Research and interpretation of the normative provisions of the UN Charter and of the constitutive acts of the regional organizations that form the legal basis for involvement of these structures in the process of prevention and settlement of the regional crises and the cooperation between them and the UN Security Council to establish effective cooperation mechanisms aiming at ensuring the international peace and security.

- To establish the place, role and importance of the North Atlantic Treaty Organization in the process of preventing and settling the regional crises on the territory of its states memberd as well as the normative basis for the organization's involvement in the settlement process of crises outside the territories of the states members.

- To research the essence of the Kosovo crisis and to assess the practical and normative value of the precedent set for crises generated by separatist tendencies, including the establishment of regional legal mechanisms and instruments for settling the crises in conflicts from the left bank of Dniester, Nagorno-Karabakh, Abkhazia and South Ossetia.

- To identify the experience of the African Union and other regional structures on the African continent in ensuring peace and security on the continent and to establish the specifics of the precedents created by these structures through violent interventions in the process of settling the regional crises, without prior consent of the United Nations Security Council, including the analysis of the characteristic elements of peacekeeping operations in the context of the regional crises in Congo, Mali and Libya

- Critical analysis of the structure, competence, mechanisms and instruments of intervention of the League of Arab States in the process of preventing and settling the crises in the Middle East, highlighting the impossibility of preventing and combating negative effects of the international

security and the public international law system generated by armed conflicts in Iraq and Syria, as well as the specific crisis between Israel and Palestine, as well as the nature of peacekeeping operations in Lebanon and Yemen.

- To establish mechanisms and legal instruments to overcome the challenges generated by the current regional crises on the international normative system in terms of combating the use of torture, the phenomenon of international terrorism and the application of transitional justice in the reconciliation of affected parties and ensuring compliance with contingents of UN peacekeeping forces.

**Hypothesis of research.** For the purposes of this research, we believe that the main hypothesis is that the United Nations crisis prevention and settlement system is not able to face all the challenges generated by the regional crises and only effective cooperation and collaboration between UN structures and regional organizations within the limits set by the UN Charter, without allowing exceptions that would lead to the erosion of established principles could allow the effective settlement of the regional crises and consequently ensuring the international peace and security.

**Synthesis of the research methodology and justification of the chosen research methods.** In the process of analyzing the international regulatory framework in security matters in the context of regional crises, we used the following methods of scientific research, namely:

- the historical method, for researching the historical evolution of the process of building regional organizations and structures, as well as of the international normative system in the field of prevention and settlement of regional crises;

- the comparative method, which allowed us to carry out a comparative research of the mechanisms and tools for the prevention and settlement of regional crises available to regional organizations in different parts of the world;

- the logical method, which allowed us to research and critically analyze the normative provisions of the UN Charter and of the constitutive acts of the international organizations in order to identify the procedures of efficient cooperation between these structures to settle the regional crises;

- the quantitative method, which was used in the context of systematization and highlighting of normative and doctrinal sources that reflect the factual role and place of international organizations in the process of settling regional crises;

- the prospective method, used to identify the most effective methods of cooperation between the United Nations Security Council and the regional organizations in carrying out violent interventions in order to prevent the negative effects of a regional crisis or to ensure peace and security in region;

- the systemic method, which allowed us to carry out a systemic analysis of the international normative provisions that regulate the process of prevention and settlement of the regional crises;

- the method of synthetic analysis, which proves to be indispensable in the process of formulating conclusions and recommendations.

**Scientifically solved matter** is to elucidate and argue the need and importance of cooperation between the United Nations as a universal player in international peace and security and regional organizations, especially in Europe, the Middle East and Africa, describing the facts and identifying regulatory shortcomings and international legal instruments for cooperation to ensure regional peace and security, disregarding the circumstantial interests of states and adjusting the intervention mechanisms of regional structures to establish the international regulatory framework in the context of settling the regional crises.

**Novelty and scientific originality** lies in the fact that the thesis is an extensive study that investigates the place and role of the regional organizations in the process of settling the regional crises in order to identify mechanisms and legal instruments for cooperation of affected states in regional organizations to prevent the negative effects of armed conflict in order to ensure regional peace and security as a component of international security under the auspices of the United Nations.

In this regard, we should note the lack of speed and promptness in intervention decisions that fall within the competence of the UN Security Council due to the specific structure and complex decision-making procedures that have led to the escalation of conflicts and substantially eroded the effectiveness of interventions.

The intervention of regional structures to prevent or combat threats to regional security through the mechanisms and instruments established by the constitutive act in the territories of third countries, without an express mandate from the only competent body, the UN Security Council, may undermine the international regulatory system and a confidence decrease of countries around the world in the efficiency and necessity of the regional mechanisms and instruments existence for ensuring the regional peace and security.

## 2. Summary of thesis (content of Doctoral thesis)

The thesis entitled "International Normative Framework in Security Matters in the Context of Regional Crises" has the following structure : introduction, 3 chapters, general conclusions and recommendations and bibliography.

**In Chapter I "Analyzing the doctrinaire and normative aspects of the phenomenon of ensuring international security in the context of regional crises"** are analyzed several aspects related to the specialty literature that formed the cognitive material necessary to substantiate the hypotheses and conclusions and the process of codifying the rules of public international law.

The paragraph 1 "*Doctrinaire positions related the phenomenon of ensuring international security in the context of regional crises*" analyzes the main works of dedicated doctrinaires on the subject under analysis. The works of foreign authors are analyzed: Alland Denis, Wilson Gary, Abass Ademola, Van der Lijn J., Thomas G. Weiss, Kaplan LS, De Coning C., Tavares R., Mohammedi A., Makdisi K., Hashemi N. and Postel D. and of the local authors: Balan O., Burian A., Gamurari V., Dorul O., Cauia A. etc.

An important role has in this research the resolutions, the reports and the communiques of the international and regional organizations. Although they do not form the sources of law in the direct sense of this assertion, the information and the analyses of their content are extremely useful for identifying problematic and debatable aspects of the research.

The paragraph 2 "*Juridical regulation of the reports between the competences of the United Nations Security Council and international organizations in the light of regional crises*" examines the essence, content and interpretations of the provisions of articles 52-54 of the UN Charter in ensuring the normative basis for the involvement of regional actors in the process of ensuring peace and security in different parts of the world and the relationship between them and the UN Security Council as the only competent body to allow military interventions for the purpose of securing or restoring peace.

The United Nations and its internal structures are the main mechanism for ordering and codifying the rules of international security law, and the United Nations Security Council, in strict accordance with the provisions of the UN Charter, is the structure responsible for ensuring effective and rapid world peace and security.

The structure and the decision-making process manifested by the right of veto of the five states imprints a delaying decisional process, and the slowing decision-making may be crucial for realizing practically the purpose of the United Nations Organization.

The regional international organizations are entitled to intervene in the settlement of disputes between states in respect of the articles 52-54 of the United Nations Charter and the provisions of the constitutive acts of such organizations.

There are no exceptions to the centralization of the collective security system around the Security Council. This applies both to other organs of the United Nations, such as the General Assembly, and to the regional organizations.

However, the regional organizations may also intervene in the field of maintaining the international peace and security, provided that their actions are placed under the control of the Security Council, which is primarily responsible for maintaining peace. The integration of regional organizations in the field of peacekeeping and the regional security can only be in accordance with a principle of subordination to the general framework defined by the UN Charter. Therefore, actions to prevent conflicts initiated by the regional organization should not, a priori, be met with formal difficulties in this regard, especially if they involve non-coercive measures.

Any military action initiated by a regional organization therefore requires, in accordance with the provisions of article 53 of the United Nations Charter, the approval of the Security Council. However, it should be noted that subordination is not limited to actions initiated by a regional organization. The first link of subordination is, in fact, the application by regional organizations of the measures adopted by the Security Council itself.

Given the articles 24 and 51 of the United Nations Charter, the intention to ensure the effectiveness of the measures taken can be ascertained, which may lead the Security Council to delegate its powers to certain regional organizations.

This delegation mechanism preserves the responsibility for the use of force within the Security Council's exclusive sphere of competence, even though it may share this competence with the regional organizations.

Following the analysis of the constitutive acts of the most important international organizations from the zones subject to the analysis, we can observe that only the North Atlantic Treaty expressly establishes in the text of the article 5 the priority of the Security Council regarding the use of force in the individual or collective self-defense of NATO members. The statute of the

League of Arab States does not refer to the competences of the Security Council, but establishes in the set of competences of the organization the ensuring of the peace and security of the states member.

The case of interest for our research is the constitutive act of the African Union that establishes the right and correlative obligation of the organization to intervene promptly in settling the regional crises in the states members, without expressly establishing an obligation to coordinate these robust actions with the UN Security Council, which allows some broad interpretations and the hypothesis that if the Security Council does not act quickly and effectively to settle a regional crisis, this structure could institute military operations to ensure the peace and security in the region.

Although we can observe an increase in the degree of cooperation between the UN Security Council and the regional international organizations in the peace and security process, this delegation mechanism preserves the responsibility for the use of force within the Security Council's exclusive sphere of competence, even whether it can share this competence with the regional organizations.

The regional organizations may and must also intervene within the limits provided by the article 52 of the UN Charter both in conflicts between states members and between them and third countries, and non-coercive actions must not be coordinated by the United Nations Security Council. Moreover, the role of the regional organizations takes precedence over the Security Council when a peaceful settlement of conflicts between states members is possible, and the conflict prevention actions initiated by the regional organization should not, a priori, face formal difficulties in this regard, especially if it involves non-coercive measures.

The regional organizations may and must be involved in respect of the United Nations Charter in the plenary and complex process of ensuring the peace and security as a matter of priority in the territory of its states members. They are called either by their nature, or on the basis of the normative provisions of the Charter, or on the basis of the provisions of the constitutive acts or on the basis of all the arguments cited cumulatively to use all legal instruments, which do not involve the application of force or a "robust" reaction to prevent or combat any threat to regional peace and security.

The first chapter concludes with the conclusions on the research carried out within it.

**Chapter II “Role of regional international organizations in maintaining the regional security”** sets out the specifics of the process of building regional international organizations

responsible for ensuring the settlement of regional crises on the European, African and Middle Eastern continents.

The role of the public international law rules are of particular importance both in the formation of the international organizations and domestic institutional systems, and in regulating the process of cooperation between the United Nations and the regional organizations in the process of preventing the negative effects of crises and the process of ensuring the regional peace and security.

The UN Charter, the constitutive acts of the regional organizations, the normative acts developed and adopted by these organizations constitute the normative basis of the process of cooperation and coordination of common objectives in order to ensure the building of the collective security system and rapid and effective actions to prevent and settle the regional crises.

The paragraph 1 *“Place and role of the North Atlantic Treaty Organization in the process of preventing and settling the regional crises”* analyzes the specifics of the process and the need to build the North Atlantic Treaty Organization and to research the main functions of NATO: collective defense, crisis management and cooperative security and mechanisms and the instruments to achieve them in order to describe as clearly as possible the place and role of this structure in the process of settling the regional crises both inside and outside the states members.

The North Atlantic Treaty is the founding and main document of NATO and all the member states of the Alliance. The fundamental reason behind the treaty was to form a group of nations that agreed to defend each other in the event of an external threat. The treaty is also a peace and cooperation agreement between the members of the Alliance. The 14 articles of the treaty describe its purpose and members’ expectations, as well as how they should be implemented. Curious is the fact that the international normative act has a concise character, and most articles have only one or two sentences.

The assumption that NATO was constituted on the basis of the article 51, rather than on the basis of Chapter VIII, does not in any way allow it to neglect the other provisions of the Charter governing the use of force.

The prior authorization of the Security Council is not required in the case of the implementation of collective self-defense provided in the article 51 of the Charter and in accordance with its content. The ascertainment of an armed attack against one or more members of the organization does not impose an obligation to notify the measures taken under this “natural law”.

The priority tasks in accordance with the provisions of the NATO Concept are collective defense, crisis management and cooperative security. The collective security is the core of NATO and is based on the provisions of the article 5 of the Treaty, under which each state undertakes to support and defend any member of the organization in the event of an attack.

Despite being a regional military structure, NATO has proven to be able to intervene in crisis prevention and settlement situations within the meaning of Chapter VIII of the UN Charter, and to classify and divide the regional organizations based on competencies indirectly established by the Chapters VII and VIII proves to be outdated by the daily realities.

The daily realities, the classification of the regional organizations is to be carried out according to the capacities and capabilities of intervention in order to prevent regional crises and the intervention mechanisms and instruments to address them and to ensure peace and security in the region.

The systematization of the knowledge, skills and experiences of NATO states members of joint contingents delegated to battlefields, ordered by international security experts, is an indisputable legal instrument for all security stakeholders generally and members of the organization especially and realize a very high progress in terms of transmitting these experiences to delegated forces in the field.

The paragraph 2 *“Experience of the African Union and other regional structures in the process of settling the regional crises”* reflects the structure and functions of the Organization of African Unity as a precursor structure of the African Union and analyzes structural and normative elements established by its statute that did not allow it to be sufficiently effective in the peacekeeping process on the African continent. The specific relations between the 55 states members, the sensitive attitude towards the sovereignty of each state member, unconstitutional changes of the government or the illegal maintenance of power are the aspects analyzed to identify effective solutions, mechanisms and instruments for settling the conflicts that haunt this region.

the Organization of African Unity could not meet the specific challenges resulted from armed conflicts on the African continent, which led to the formation of the African Union. This new structure had to identify the characteristic solutions for overcoming relational crises and ending conflicts in the zone.

The African Union, generally and the Architecture for Peace and Security in Africa, especially have been increasingly involved in preventing and combating violations of African peace

and security and have proven their efficiency in the field, modeling approaches, instruments and methods of intervention in respect of the specifics and coloring of the zone.

Over the two decades of the 21<sup>st</sup> century, the African Union has demonstrated its status as an effective regional organization capable of intervening. Despite the financial, communication and divergence of interests between the involved states, this structure is proving to be inherently necessary to ensure peace and security on the African continent.

The most difficult challenge in the peace and security process seemed to be the specific relations between the states of the African continent, which campaigned for the priority of the sovereign equality principle in relations with regional and international organizations to the detriment of identifying and applying common regional mechanisms and instruments to achieve the established objectives.

Only in the case of open cooperation, based on mutual trust and the proportionate contribution of all stakeholders, including the African states, a substantial reduction in the number of armed conflicts or military riots, improving the fate of those affected by these atrocities and preventing the emergence of new situations of conflict could ensure the long-expected state of peace and security in Africa.

The regional organizations such as the Organization for Islamic Cooperation (OIC), the Gulf Cooperation Council (GCC), the Arab Maghreb Union (AMU) are an important element in promoting and supporting various forms of cooperation between the Arab states to promote and to ensure cooperation between states members, including in the field of peace and security.

The paragraph 3 “*The League of Arab States and other regional security structures in the Middle East*” characterizes the structure, functions and process of creating the League of Arab States in different periods of contemporary history and a number of regional structures that set among their objectives the ensuring of peace and security in the Middle East.

The religious factors of cultural, traditional and ideological origin contributed decisively to the materialization of the idea of building a pan-Arab structure. Due to the divergent social, economic and political interests of the Arab world states, the process of building the League of Arab States proved to be quite difficult.

The religious division, sectarianism used as an instrument to mobilize and to deepen hatred between peoples of different states or between majority and minority in some states in the region, the sovereign interests of the founding states of the LAS, the lack of an effective regional

mechanism that would be competent to prevent by early intervention some regional crises make the Middle East an area of maximum intensity and importance not only for ensuring the regional security but also for international security.

The effectiveness of the mechanisms and instruments for implementing the objectives set for ensuring peace and security has been adversely affected by the lack of unity of the states members, divergent political and financial interests, deeply permissive internal decision-making procedures and the intervention of structures and interests of other states in the zone subject to analysis.

Despite the fact that several regional cooperation platforms have been built in this zone, the most relevant in terms of promoting and ensuring respect for peace and security remains the League of Arab States. The internal legal mechanisms for intervention of regional organizations in order to achieve the objectives set out in the founding treaties are in full coordination with those specific to the United Nations.

Providing negotiating platforms for states members to overcome possible regional crises, providing conciliation and mediation services at the request of states members or at the initiative of the regional organization are the basic mechanisms that are provided to states to prevent regional crises. All these mechanisms and legal instruments are proving to be effective only if states members involve openly and proactively, which are coagulating their efforts to achieve in practice the objectives set out in the constitutive acts.

A difficult subject is the mechanisms and legal instruments that enable regional organizations to intervene by setting up humanitarian and even military missions to ensure peace and security either within or outside a state member.

In this respect, only the North Atlantic Treaty expressly establishes in the text of the article 5 the obligation to coordinate these actions with the Security Council. Despite the fact that the constitutive acts of the African Union, the League of Arab States and other regional organizations do not expressly provide this obligation, their states members and the organizations concerned are obliged to comply with the provisions of the UN Charter and coordinate with the Security Council all actions involving directly or indirectly the use of force, even in the case of invoking the right to self-defense.

The paragraph 4 “*Challenges of the international regulatory framework in the process of settling the regional crises*” reflects the general challenges of applying torture not only in times of armed conflict and not only in the case of regional crises, but also the use of this harmful instrument

in various forms and locations. The weighting factor and the appropriateness of using the transitional justice mechanism to ensure the reconciliation of the parties involved in the regional crises regardless of the geographical position of the conflict-affected zone is also studied.

We can also ascertain that the most important challenges in the international normative system whose priority objective is to ensure international peace and security would be: the phenomenon of the fight against terrorism, the fight against torture, including in missions of settling regional and national reconciliation through mechanisms of transitional justice. We do not claim to enunciate an exhaustive list of such challenges, but we believe that these phenomena crucially affect the effectiveness and credibility of military interventions aimed at ensuring regional peace and security.

The paragraph five summarizes the main conclusions on the subjects tackled within the chapter.

**Chapter III “Peacekeeping Operations: From Ensuring Security to Impelling the Peaceful Dialogue”** explains the importance, role and place of UN-sponsored peacekeeping operations in the various crises in the geographical zones subject to analysis in this research to demonstrate both effectiveness where appropriate, as well as material and formal impediments to the direct and full realization of the main purpose of the UN.

The paragraph 1 “*Applicability of the international humanitarian law rules on peacekeeping operations within regional crises*” examines the evolution of the relationship between the United Nations as a structure that has a monopoly on the use of coercive force at the international level to ensure the international peace and security, including by peacekeeping and the International Committee of the Red Cross as a structure that fights and advocates for the uniform application of the rules of war regardless of the legal status of the parties involved.

The mandate and the rules of engagement are two essential components of a UN peacekeeping mission. The mandate of a peacekeeping operation determines the extent to which members of the peacekeeping operation should take an active attitude on the ground. An important difference should be made between a mandate under Chapter VI or under Chapter VII. Under a mandate based on the provisions of Chapter VI, the use of force is strictly limited. Mandates issued under Chapter VII require stronger interventions.

When we talk about the mandate, we also refer to the objectives expressed in it. These objectives must be clear, appropriate and feasible. A mandate is always based on a diagnosis of

conflict. In other words, a successful mandate is determined by a good diagnosis. Poor diagnosis can lead to a vague mandate with vague objectives. The disagreement within the Security Council can also lead to a vague mandate, with various interpretations. A too liberal interpretation of a mandate can have catastrophic consequences.

The International Humanitarian Law does apply to Peacekeeping Forces and especially to Peacebuilding Operations, a situation similar to an international armed conflict, and members of these forces may be qualified as combatants, provided that the provisions of the international humanitarian law are met. The UN has finally recognized the applicability of the principles and spirit of international humanitarian law to the peacekeeping contingent.

Much remains to be done to strengthen the implementation of the provisions of international humanitarian law on Peacekeeping Forces, both formally and operationally, within ongoing and future operations. The International Committee of the Red Cross (ICRC) is currently examining the most effective means and is counting on the input of the United States and the United Nations.

The paragraph 2 “*Regulatory basis for peacekeeping operations in Europe (the districts from the left bank of the Dniester, Nagorno-Karabakh, Abkhazia, South Ossetia, Kosovo)*” reflects the essence of the crises in the former Soviet states such as Moldova, Georgia, Armenia and Azerbaijan and the fact that all, without exception, have at one time or another turned into international armed conflicts with all possible negative consequences for both the affected population and the security in South-Eastern Europe. It should be noted that at the time of the research, none of the listed conflicts have peacekeeping forces under the auspices of the UN, and the Russian Federation continues to play a crucial role in reconciling the former warring parties. Another example of a regional crisis on the European continent analyzed in this chapter is the crisis in Kosovo, which has set a harmful precedent for the possible amicable settlement of conflicts in the South-East European zone.

The analysis of the legal instruments and mechanisms available to the regional organizations for settling crises in various zones is the subject of the research in this chapter.

Thus, the regional crises that turned into armed conflicts in different periods without those on the territory of the former USSR have practically the same scenario. With the support of the foreign element, in our case it is about the Russian Federation, treacherously exploiting the secessionist feelings and tendencies characteristic of the period, these regional crises are provoked and managed with the involvement of the Russian military factor on the territory of the former USSR member states to defend their geostrategic interests in the zone of Georgia (Abkhazia and South Ossetia),

Armenia and Azerbaijan (Nagorno-Karabakh) and the Republic of Moldova (eastern districts of the Republic of Moldova).

All these crises have been provoked and managed by the same director and are taking place with its consistent involvement despite the express provisions of public international law. In the sense of the research carried out, we should mention that the Organization for Security and Cooperation in Europe has failed to achieve its goal of settling these crises.

Thus, the crises in Georgia and Nagorno-Karabakh have degenerated in different periods, into international armed conflicts with all their characteristic consequences. Even though the period of these armed conflicts was not very long, the humanitarian consequences on the population of the region were dramatic and the challenges on the normative system of international humanitarian law disastrous.

Another important crisis on the European continent in the sense of our research is the crisis in Kosovo and its consequences on the normative system of public international law. The Kosovo precedent created by the declaration and recognition of its independence by more than 100 states, as well as the role of the UN mission in forming this entity, raises consistent problems in public international law, and the situation created as one of the most dangerous precedents in analyzing regional crises provoked by separatist tendencies both on the European continent and globally.

The paragraph 3 “*International legal instruments for settling regional crises in the East (Lebanon, Israel/Palestine, Iraq, Syria, Yemen)*” characterizes the origin, evolution and essence of armed conflicts in the Middle East. The main and perpetual conflict in this zone is the conflict between Israel and Palestine, which generates consistent challenges both humanitarian and doctrinal.

Thus, depending on the circumstances and the socio-political, economic and security situation in the zone, depending on the interest of the leaders or governing groups, this element of mobilization is used cynically and treacherously to camouflage the true goals and objectives of political actors in the region. A crucial element for understanding the current situation in the Middle East is the phenomenon of “Arab Spring”.

Since its inception, a new type of regionalization based on increasing the number of refugees, non-state armed groups and cross-border sectarian identification has taken off in the region. The treacherous use by local leaders of religious differences, sectarianism to settle their political problems and interests, “Arab Spring” as a phenomenon that has profoundly affected the stability, peace and security in the zone and the inefficiency of regional structures to prevent and

combat the challenges to peace and security in the Middle East have generated the current situation. Thus, we intend to analyze below the place and role of regional and international structures in the process of ensuring peace and security in the zone by enforcing respect for public international law.

We consider the international armed conflicts in Iraq in 2003 and in Syria in 2011 to be the greatest challenges to the normative system of the public international law and impacted seriously and crucially everything that means the confidence of the concerned subjects of the public international law and the affected people in the potential of the UN to achieve its goal and in the uniform and without exception applicability of the provisions of international norms governing the process of ensuring the international peace and security.

Thus, the UN intervention in the Lebanon crisis through the peacekeeping operation (UNIFIL) has played a crucial role in reducing the negative effects of the conflict on the civilian population and has ensured the process of building peace and security in the region, including through programs initiated under Lebanon within UNHCR for the protection of refugees.

Palestine has longtime been the unifying element of the Arab states in their fight against Israel. In this case, too, the involvement of the UN through the legal instruments and legal mechanisms of action established by the Charter has repeatedly ensured the cessation of active military operations and the return to dialogue of the warring parties.

The PLO's intention to be recognized as a state and implicitly as an entity capable of referring to the International Criminal Court on crimes committed in the area generated divergent positions among members of the UN Security Council, which did not allow the development of an unambiguous solution. At present, this structure is the only organization of a people fighting for liberation recognized by the UN that benefits from a special status.

Despite the prominent element of ethnic and religious division at the beginning of the Israeli-Palestinian conflict, over time, the sectarian element that has always united the Arab states in their struggle against Israel yields to the cynical and pragmatic interests of region leaders and states.

Gaza is a major security concern in the Middle East in terms of living conditions, economic stability and security. It is a zone that has experienced a high level of violence due to decades of conflict as a result of territorial disputes. Hamas maintains control of Gaza, and Gaza citizens are often prevented from leaving due to restrictions on Israeli and Egyptian borders. The infrastructure collapsed due to wars, artillery exchanges and lack of resources to fix them.

In this extremely complicated and complex situation, the role of UN intervention structures and instruments is of unquestionable utility and importance, and the negotiations on various platforms and strict compliance with the provisions of international law generally and the texts of the regional agreements especially are the only mechanisms, which could avoid a return to hostile military action in the region..

The intervention of the United States of America and the Coalition formed at their initiative in Iraq has generated a whole series of challenges and rhetorical questions about the essence of the principles of public international law and the mechanisms for ensuring their observance. The UN has intervened *post factum* to reduce the negative effects on security in the region through its specific instruments which have proved insufficient to restore legal order and the rule of law in Iraq in particular and in the eastern zone in general.

Even though ISIS seems to have been defeated in Iraq, the UN still has a long way to go to help ensure security in the region. Providing healthcare to citizens to deal with the trauma they have suffered is a strictly necessary step. Rebuilding infrastructure and political institutions will lead to a stabilization that will also contribute to increasing the level of security.

The same elements of sectarian division, between Shiites and Sunnis, as well as the divergent interests of actors in the Middle East provoked an armed conflict in Syria, and the unequivocal positions of permanent members of the UN Security Council did not allow for prompt peacekeeping intervention under the auspices of the UN in the context of the conflict, which could have substantially reduced the suffering of the population and the devastating effects on Syria's economic and social system. Even though hostilities in Syria have virtually ceased at the moment, the challenges of restoring the state at all levels are just beginning, which is to be achieved with the participation of regional organizations and states in the region under effective UN control.

In January 2017, the rebel groups and a Syrian government delegation participated in discussions in Astana, Kazakhstan. The meeting, which was attended by Russia, Turkey, Iran and the UN special envoy for Syria, resulted in a ceasefire agreement in Syria.

The result of the fourth round of discussions in Astana was the signing of an agreement to create four "security" zones in Syria, which the UN special envoy said was a step in a promising direction.

Funding is needed for both Syrians and refugees from the countries neighboring Syria, where tensions are rising and at risk of spiraling out of control in places like Lebanon.

Most recent, in terms of the start of military operations, is the armed conflict in Yemen. Despite strict UN monitoring of the situation on the ground, the security level is strongly affected in the zone. The United Nations mission to support the Hodeidah Agreement (UNMHA) is to intervene in strict accordance with its mandate to ensure peace and security in the zone of Hodeidah and the ports of Hodeidah, Salif and Ras Issa.

The paragraph 4 “*International regulatory provisions applicable to regional crises in Africa (Congo, Mali, Libya)*” reflects other regional mechanisms and structures that are intended to increase the efficiency of the process of preventing and settling the regional crises on the African continent. The specific regional crises in Congo, Mali and Libya are also analyzed. In all these states, the peacekeeping forces under the auspices of the UN operate not only some programs and projects. In terms of the established objectives, it is important to emphasize the need to analyze the relationship between the African Union and its regional crisis intervention mechanisms and the UN Security Council in order to identify amicable solutions to ensure peace and security in the regions.

The collective security system, despite the lack of a clear and precise legal text on the competences of the various peacekeepers, is mainly based on the United Nations and the Security Council. Although the AU and the Regional Economic Communities sometimes mention in their constitutive act the priority and permissive institutional role of the UN and the Security Council in the field of peacekeeping, they have a tendency towards autonomy in maintaining peace. This autonomy is essential in terms of conflict prevention.

Thus, we intend to analyze the attempts to develop and implement international regulations at regional and subregional level in order to ensure peace and security on the African continent. Although the African Union has its own peace and security mechanism for Africa (APSA), during peacekeeping operations, this body cannot be separated from the intervention of other relevant international organizations in this field.

The initiative of the African states to assume the settlement of the Congo crisis has failed, and the establishment of an intervention force at regional level proves to be unfeasible at this time. In this sense, MONUC rapidly evolved into a more robust operation based on Chapter VII of the UN Charter.

The situation in Mali is characterized by the existence of several non-international armed conflicts, as well as by violence that does not reach this threshold necessary to be qualified as an

armed conflict. Under these conditions, the Secretary-General and other UN structures are closely monitoring the peace and security process in this state..

As for Libya, it continues to be affected by chaotic security and a democratic situation that is not adequate for its development. The intervention in Libya, on humanitarian grounds, in addition to being illegal because it did not meet the preconditions for the “responsibility to protect”, was therefore counterproductive in terms of conflict prevention.

In his Report on Early Warning, Assessment and Responsibility to Protect, the Secretary-General of the United Nations addressed the usefulness of the structure of the United Nations interinstitutional and inter-departmental mechanism for coordinating preventive action, consisting of 21 United Nations agencies, funds and departments, in the circulation and analysis of information for the prevention of genocide, war crimes, ethnic cleansing or crimes against humanity.

On the other hand, in some situations, such as Libya’s “hasty” warning had priority over early warning. This does not preclude the outbreak of such conflicts in the future and requires African states to consider building a continental military force, supported by the international community, which would be integrated into the African architecture of peace and security and conflict prevention.

The armed conflict in Libya, which is a strictly legal military intervention under the guise of a responsibility to protect, does not meet the needs of early warning, and the opportunity for authorized humanitarian intervention in Libya is imperiously needed in view of the ongoing crisis in this state.

The paragraph five reflects the conclusions on the essence of the legal mechanisms for establishing peacekeeping operations in some specific zones, as well as analyzes the difficulties of the regional crisis settlement process in the absence of effective instruments within the regional organizations.

### 3. GENERAL CONCLUSIONS AND RECOMMENDATIONS

The **purpose** of the paper is to investigate the place, role and position of the regional organizations in the process of ensuring the regional peace and security and to conduct a comprehensive research on the international legal mechanisms and instruments to ensure the active and effective involvement of regional structures, within the limits set by the UN Charter and the UN Security Council in settling regional crises, thus contributing to ensuring international peace and security. Therefore, we have reached the following **general conclusions**:

1. The analysis of specialized works allows us to find that there is a sufficient volume of scientific papers on general subjects related to the international normative system that regulates the process of ensuring the international peace and security. At the same time, we cannot observe the existence of fundamental work on the interaction between the regional organizations and structures and the United Nations Security Council in the process of preventing harmful effects and effective settlement of the regional crises, and the work of some authors proves to be a reflection of subjective positions depending on their position on either side of the conflict. However, we conducted a study of relevant works that allowed us to achieve the objectives of this paper and the theoretical basis of the role and place of the international organizations in the process of settling the regional crises in accordance with the rules of the public international law.

2. The monopoly on the coercive action to ensure the international security is held by the UN Security Council, which may delegate certain tasks to a regional organization in strict accordance with established procedures and the text of the mandate issued, and the regional organizations have priority in the case of procedures for preventing and combating the harmful effects of regional crises. In the event of a real need to intervene forcefully to ensure peace and security in the zone, the regional organizations are obliged, in accordance with the provisions of articles 52-54 of the UN Charter, to coordinate these actions with the Security Council.

The constitutive documents of the international organizations subject to analysis allow us to find that only the article 5 of the North Atlantic Treaty expressly sets out the priority of the UN Security Council with regard to the use of force in the individual or collective self-defense of NATO members. The statutes of the League of Arab States, the African Union and other regional organizations do not refer to the competences of the Security Council, but establish in the set of competences of the organization the ensuring of the peace and security of the states members. All states members of regional organizations and structures are states members of the United Nations,

which obliges them to fully comply with the provisions of the UN Charter, including the obligation to coordinate in advance the interventions in the regional crisis settlement process with the Security Council. The use of coercive actions to ensure regional peace and security must be carried out in strict accordance with the provisions of the UN Charter, and the exceptions established in favor of states (self-defense and collective intervention) are also valid for the regional organizations.

3. What we must note is that NATO has intervened in situations that have occurred outside the territories of the Member States, which is strictly legal in breach of the provisions of the Charter, but this exception has proved to be imposed by the realities of the moment and tacitly accepted by the UN Security Council, and the opinion of this structure, in accordance with international normative provisions, is absolutely mandatory in the case of military interventions carried out by regional organizations in order to ensure peace and security. NATO intervention outside the territories of the Member States is a dangerous example of the international security system. In theory, each regional structure should take all necessary measures to provide a platform for cooperation between Member States, including in the field of resolving regional crises between them. As long as the articles of association of the international organization do not expressly regulate the conditions under which States allow the intervention of the regional organization outside the territories of the Member States, such intervention may not take place legally.

4. The place and role of Kosovo's precedent in the process of preventing and settling the separatist regional crises cannot be overrated. This has generated a wide range of actions among self-proclaimed structures in the international arena generally and on the European continent especially. The Kosovo precedent demonstrates a double-standard approach in analyzing the relationship between the right of peoples to self-determination and separatism. From a theoretical point of view, the separatist tendencies and initiatives are inadmissible and should not be supported by third countries under the principles of public international law and the provisions of the UN Charter. This precedent is used in the case of separatist tendencies and initiatives on the European continent and is a defiance of the rules of international law.

Following the analysis of the regional crises in South-Eastern Europe, we can observe that in all these regional crises (Georgia (Abkhazia and South Ossetia), Armenia and Azerbaijan (Nagorno-Karabakh) and the Republic of Moldova (Eastern districts of the Republic of Moldova) are not present or planned for UN peacekeeping operations, due to the veto power of the Russian Federation in the UN Security Council in the case of Abkhazia, South Ossetia and Nagorno-Karabakh, and in

the districts of the Left Bank of Dniester this initiative did not even exist. Even if such operations do not exist in the zone subject to research, this does not mean that all the normative provisions of public international law regarding the prevention and settlement of regional crises are not perfectly applicable to these processes.

5. The African Union has set a real precedent in its relations with the United Nations Security Council through the robust and concrete interventions in the field to ensure peace and security and by inserting express provisions in the constitutive act which effectively provide the extension of the mandate without being expressly conditioned by the agreement of the Security Council. In this regard, we must note that in the case of Congo, the UN peacekeeping operation (MONUC) proved to be crucial for the cessation of violence and the escalation of the conflict; in Mali we cannot observe the presence of such a peacekeeping mission, which generates a whole series of violent incidents that result in casualties among civilians, and the situation is monitored by UN structures, which do not intervene; and in the case of Libya, even today we cannot see the presence of a UN peacekeeping mission. Thus, in countries where peacekeeping missions are present, the degree and extent of the crisis is much smaller than in states where these missions are completely lacking and the regional organizations are unable to meet these challenges due to lack of sufficient material resources and interests and divergences of states members.

6. The Middle East has been the scene of war of at least two international armed conflicts (Iraq, Syria), an armed conflict with a contested international character, but with a similar negative impact both on the affected population and on the international normative system to ensure the settlement of regional crises (Israel/Palestine) and a number of other regional crises that have degenerated into either non-international armed conflicts or large-scale humanitarian crises.

The proliferation of terrorist acts, the activity of ISIS and the effective control of the sovereign territory of Iraq and Syria by this structure, the rise of sectarianism on the background of this action incompatible with the provisions of the public international law are the main challenges of the legal system of public international law and the UN, as a universal international organization responsible for ensuring international peace and security and demonstrates the potential consequences of war in general and the lack or inability of the state institutional system to ensure its normative and legal responsibilities that can be replaced at any given time by insurgent structures. The situation in Syria is an eloquent example of demonstrating the harmful effects of the divergent interests of the states concerned on the process of achieving the goal of the United Nations, namely

ensuring peace and security in the Middle East especially and in the world generally. Due to the veto of Russia and China, a UN mission is not active in Syria even today, which could effectively contribute to ensuring peace and security in the zone.

7. From a strictly theoretical point of view, the main matter is to establish the status of subject of the public international law of the Palestine Liberation Organization and the rules of the public international law and the international humanitarian law to be applied in the event of the Israeli-Palestinian conflict. In reality, this conflict is the most sensitive point in the Middle East region and generates a series of challenges and disputes, both theoretical and practical. In this regard, we must note that the opinion of the International Court of Justice establishes the illegal construction of the wall and the impossibility for Israel to invoke the article 51 of the UN Charter, and the lack of a peacekeeping mission under the auspices of the UN and with the effective support of the regional organizations is one of the basic impediments in the process of settling this crisis. In the countries where the UN peacekeeping missions are present, Lebanon and Yemen the escalation of conflicts and the number of civilian casualties is much lower, which further demonstrates the effectiveness of the use of these mechanisms in settling the regional crises and ensuring international peace and security.

8. The fight against terrorism, the fight against torture, including in the regional crisis settlement missions are only some challenges to the international normative system of peace and security, and the national reconciliation through transitional justice mechanisms is proving to be an effective mechanism to improve the post-conflict situation. In this regard, the United Nations and the regional international organizations are to undertake coordination actions that would exclude the production of harmful precedents that could adversely affect the system of the international legal norms aimed at ensuring international peace and security, and a commitment assumed by the United Nations to increase the applicability of the international humanitarian law to its forces would be an excellent contribution to promoting its application and observance by the states providing military contingents, by the state in whose territory these forces are deployed, and by all parties to the conflict.

**The scientific solved problem** is to elucidate and to argue the need and importance of cooperation between the United Nations as a universal actor in the process of ensuring international peace and security and the regional organizations especially in Europe, the Middle East and Africa describing the situation and identifying the regulatory gaps and the international legal cooperation for the security of regional peace and security, disregarding the circumstantial interests of states and adjusting the intervention mechanisms of regional structures to establish the international regulatory framework in the context of settling the regional crises.

Following the formulation of the general conclusions of the research, we intend to advance some **recommendations** on making efficient the process of settling regional crises.

1. We consider imperatively making every effort to not allow the perpetuation of practices identified in the interventions of the regional structures on the African continent such as the AU and ECOWAS, which have taken intervention measures with tacit acceptance or even with post-factum information from the UN Security Council. Any exception will diminish the applicability of the express provisions of the Charter and will potentiate the erosion of the international normative system that regulates the settlement of the regional crises, including through military interventions.

The practice of exceeding the provisions of the constitutive act and intervening in the territory of other sovereign non-member states of the organization for the purpose of ensuring the regional peace and security, without having the mandate of the Security Council and without following the procedures established by the UN Charter could generate a number of extensive interpretations of competence of some regional structures to deal with regional crises and could irreversibly affect the international regulatory system that regulates relations between states based on the principles of the public international law.

It is therefore proposed to put an end to such precedents in any form and to review the procedure for cooperation between the Security Council and the regional organizations in the field of ensuring the regional security, which would ensure a faster rate of intervention and the conformity to the methods and means used by the regional intervention structures that would not in any way disrespect the provisions of the Charter. Disrespecting the rules set out in the article 53 shall lead to the erosion of the content of this procedure and their permanent infringement depending on the interests of the involved states.

2. Only the unity of the states in the region within the international structures they have built as a result of exercising their sovereignty, diminishing the sectarianism and the pragmatic approach

to the harmful and devastating effects of military force instruments used in settling disputes between the states in the region could constitute the preconditions for building an effective regional system for the prevention and settlement of the regional crises in the Middle East.

3. For the purposes of this research, we mention the need to identify the opportunities for the establishment of a United Nations mission in the Gaza Strip and more consistent support from the UNHCR in the difficult process of ensuring with all necessary things the refugees from Syria. The intervention of the regional structures is also needed to ensure a substantial contribution to the prevention of adverse effects and to ensure the regional peace and security especially and international security generally by all necessary and available means.

4. In the context of the regional crisis in the districts on the left bank of the Dniester, it is proposed to address an express request from the legal government of the Republic of Moldova to the United Nations Security Council to create a peacekeeping mission and to ensure conciliation between the two banks of the Dniester and the effective assurance of the reunification of the Republic of Moldova within the recognized borders on the international arena.

#### **4. List of published scientific works**

1. ALABDULJABBAR N. J., Theoretical-practical aspects on the consolidation of international security law as institute of public international law. In: Studii Juridice Universitare, Nr. 3-4, 2017, p. 227-235
2. ALABDULJABBAR N. J., GAMURARI V. The Obligation of States to Comply with Imperative Normes of International Law in the Context of International Security Insurance. În: Materialele conferinței științifice cu participare internațională „Aportul mediului academic la consolidarea dialogului dintre Republica Moldova și partenerii strategici în contextul crizelor regionale”. Chișinău, ULIM. 16.10.2017, p.71-90.
3. ALABDULJABBAR N. J., GAMURARI V. Legal basis of the common European Security Policy in the light of the provisions of the Treaty of Lisbon. In: Studii Juridice Universitare, Nr. 1-2, 2018, p. 113-124
4. ALABDULJABBAR N. J., CAUIA A. Normative Doctrinal Analysis of Peacekeeping Operations in Europe (Transnistria, Nagorno-Karabakh, Georgia, Kosovo). In: Studii Juridice Universitare, Nr. 3-4, 2019, p. 22-40
5. ALABDULJABBAR N. J., GAMURARI V. Combating terrorism and ensuring the regulatory framework which constitutes the „nucleus” of human rights in the context of challenges which the security faces at the international and regional level. In: Studia Securitatis. Sibiu. România. Volume XII, Issue 1/2020, p. 26-36.

## ANNOTATION

to Doctoral Thesis in Law of Mr. Alabduljabbar Naif Jassim

”International Normative Framework in Security Matters in the Context of Regional Crises”

Free International of Moldova, Chisinau, 2021

**Structure of thesis.** The thesis has: introduction, 3 chapters, general conclusions and recommendations, bibliography of 287 sources, basic text on 172 pages. The achieved results are published in 8 scientific articles.

**Key words:** the international regulatory framework, the regional international organizations, Security Council, Peacekeeping Operations, North Atlantic Treaty Organization, African Union, League of Arab States, the regional crises, the international humanitarian law.

**Field of study** is the analysis of international normative provisions governing the interaction between the mechanisms and instruments of the United Nations for International Peace and Security and the regional organizations in the process of settling the regional crises in the light of daily realities in zones as: European, African and Middle Eastern.

**Purpose of research** is to establish the place, role and position of the regional organizations in the process of ensuring the regional peace and security and to conduct a comprehensive investigation on international legal mechanisms and instruments to ensure the active and effective involvement of regional structures, within the limits set by the UN Charter and UN Security Council in settling the regional crises, thus contributing to international peace and security.

**Objective of research:** Comprehensive and equidistant analysis of the works of exegetes in the field of public international law on the object of research; Research and interpretation of the normative provisions of the UN Charter and of the constitutive acts of the regional organizations that form the legal basis for the involvement of these structures in the process of prevention and settlement of the regional crises; Establishing the place, role and importance of the North Atlantic Treaty Organization in the process of preventing and settling the regional crises; Research on the essence of the Kosovo crisis and appreciation of the practical and normative value of the created precedent, including the establishment of regional legal mechanisms and instruments for settling the conflicts in the districts of: the left bank of Dniester, Nagorno-Karabakh, Abkhazia and South Ossetia; Identify the experience of the African Union and other regional structures in the peace and security process, including the analysis of the characteristic elements of peacekeeping operations in the context of the regional crises in Congo, Mali and Libya; Determining the specifics of the structure, competence, mechanisms and instruments of intervention of the League of Arab States in the process of crisis prevention and settlement in the Middle East, both in the context of international armed conflicts in Iraq and Syria, and in the specific crisis between Israel and Palestine and the nature of peacekeeping operations in Lebanon and Yemen; Establishing the legal mechanisms and instruments to overcome the challenges generated by the current regional crises on the international normative system and ensuring compliance with the rules of warring by contingents of peacekeeping forces under the auspices of the UN.

**Novelty and scientific originality:** the thesis is a comprehensive study examining the place and role of the regional organizations in the process of settling the regional crises in order to identify the mechanisms and legal instruments for cooperation of affected states within regional organizations to prevent the negative effects of armed conflict in order to guarantee the regional peace and security as a part of the international security.

**The achieved results contributing to settling a scientifically important matter** resumes to identifying difficulties in interpreting and assessing the international legal norms governing cooperation between the UN Security Council and the regional organizations in the process of preventing and settling the regional crises, providing a comprehensive analysis of the most specific crises and responses of states and organizations affected in order to ensure the regional security.

**Theoretical significance of research** consists in conducting a comprehensive study on the international normative provisions and on the content of the constitutive acts of the regional organizations regarding the cooperation between these entities in the process of settling the regional crises in order to ensure the international peace and security.

**Applicative value of research** materializes through the possibility of using both factual and analytical material to supplement the didactic-scientific materials necessary for the training of law students and to facilitate the process of developing solutions to regional crises by practitioners.

**Implementation of the scientific results.** The work will serve as a doctrinal support in the process of amending and supplementing the constitutive acts of existing organizations or in formulating as eloquently as possible the intervention mandates issued by the Security Council for peacekeeping operations and will contribute to streamlining the procedures for interaction between the mechanisms and international and regional instruments to increase the speed and efficiency of interventions by mandated structures to guarantee and ensure the regional peace and security.

## ADNOTARE

### La teza de doctor în drept a Dlui Alabduljabbar Naif Jassim ”Cadrul normativ internațional în materie de securitate în contextul crizelor regionale” Universitatea Liberă Internațională din Moldova, Chișinău, 2021

**Structura tezei.** Teza cuprinde: introducere, 3 capitole, concluzii generale și recomandări, bibliografia din 378 surse, text de bază 172 pagini. Rezultatele obținute sunt reflectate în 5 articole științifice.

**Cuvinte cheie:** cadrul normativ internațional, organizații internaționale regionale, Consiliul de Securitate, Operațiunile de Menținere a Păcii, Organizația Tratatului Atlanticului de Nord, Uniunea Africană, Liga Statelor Arabe, crize regionale, drept internațional umanitar.

**Domeniul de studiu** este analiza prevederilor normative internaționale care reglementează interacțiunea dintre mecanismele și instrumentele Organizației Națiunilor Unite de asigurare a păcii și securității internaționale și organizațiile regionale în procesul de soluționare a crizelor regionale prin prisma realităților cotidiene în zonele: europeană, africană și a Orientului Mijlociu.

**Scopul lucrării** este de a stabili locul, rolul și poziția organizațiilor regionale în procesul de asigurare a păcii și securității regionale și de a realiza o cercetare complexă a mecanismelor și instrumentelor juridice internaționale care urmează să asigure implicarea activă și eficientă a structurilor regionale, în limitele stabilite de Carta ONU și Consiliul de Securitate al ONU în soluționarea crizelor regionale astfel contribuind la asigurarea păcii și securității internaționale.

**Obiectivele cercetării:** Analiza cuprinzătoare și echidistantă a lucrărilor exegeților domeniului dreptului internațional public asupra obiectului cercetării; Cercetarea și interpretarea prevederilor normative ale Cartei ONU și ale actelor constitutive ale organizațiilor regionale ce formează baza juridică a implicării acestor structuri în procesul de prevenire și soluționare a crizelor regionale; Stabilirea locului, rolului și importanței Organizației Tratatului Atlanticului de Nord în procesul de prevenire și soluționare a crizelor regionale; Cercetarea esenței crizei din Kosovo și aprecierea valorii practice și normative a precedentului creat, inclusiv stabilirea mecanismelor și instrumentelor juridice regionale de soluționare a crizelor aplicate în cazul conflictelor din: raioanele din stîngă Nistrului, Nagorno-Karabakh, Abhazia și Osetia de Sud; Identificarea experienței Uniunii Africane și a altor structuri regionale în procesul de asigurare a păcii și securității, inclusiv analiza elementelor caracteristice ale operațiunilor de menținere a păcii în cadrul crizelor regionale din Congo, Mali și Libia; Determinarea specificului structurii, competenței, mecanismelor și instrumentelor de intervenție ale Ligii Statelor Arabe în procesul de prevenire și soluționare a crizelor din Orientul Mijlociu, atât în cadrul conflictelor armate internaționale din Irak și Siria, cât și în cadrul crizei specifice dintre Israel și Palestina, precum și caracteristica operațiunilor de menținere a păcii în Liban și Yemen; Stabilirea mecanismelor și instrumentelor juridice de depășire a provocărilor generate de crizele regionale actuale asupra sistemului normativ internațional și asigurarea respectării regulilor de ducere a războiului de către contingentele forțelor de menținere a păcii sub egida ONU.

**Noutatea și originalitatea științifică** rezidă în faptul că teza constituie un studiu amplu în cadrul căruia se cercetează locul și rolul organizațiilor regionale în procesul de soluționare a crizelor regionale în scopul indentificării mecanismelor și instrumentelor juridice de cooperare a statelor afectate în cadrul organizațiilor regionale pentru a preveni efectele negative ale conflictelor armate în vederea garantarea păcii și securității regionale ca parte componentă a securității internaționale.

**Rezultatele obținute care contribuie la soluționarea unei probleme științifice importante** se rezumă la identificarea dificultăților de interpretare și apreciere a normelor juridice internaționale care reglementează cooperarea dintre Consiliul de Securitate al ONU și organizațiile regionale în procesul de prevenire și soluționare a crizelor regionale, furnizînd o analiză amplă a celor mai specifice crize și a reacțiilor statelor și organizațiilor afectate în scopul asigurării securității regionale.

**Semnificația teoretică a cercetării** constă în realizarea unui studiu amplu asupra prevederilor normative internaționale și asupra conținutului actelor constitutive ale organizațiilor regionale în ceea ce tine de cooperarea dintre aceste entități în procesul de soluționare a crizelor regionale întru asigurarea păcii și securității internaționale.

**Valoarea aplicativă a lucrării** se materializează prin posibilitatea de a utiliza atât materialul factologic cât și cel analitic pentru a suplini materialele didactico-științifice necesare pentru instruirea studenților de la facultățile de drept și pentru a facilita procesului de elaborării de soluții pentru crizele regionale de către practicieni.

**Implementarea rezultatelor științifice.** Lucrarea va servi drept suport doctrinar în procesul modificării și completării actelor constitutive ale organizațiilor existente sau la formularea cât se poate de elocventă a mandatelor de intervenție emise de Consiliu de Securitate pentru operațiunile de menținere a păcii și va contribui la eficientizarea procedurilor de interacțiune dintre mecanismele și instrumentele internaționale și cele regionale pentru a crește viteza și eficiența intervențiilor structurilor mandatate în vederea garantării și asigurarea păcii și securității regionale.

**ALABDULJABBAR NAIF JASSIM**

**INTERNATIONAL NORMATIVE FRAMEWORK IN SECURITY MATTERS  
IN THE CONTEXT OF REGIONAL CRISES**

**SPECIALITY 552.08 – PUBLIC INTERNATIONAL AND EUROPEAN LAW**

**ABSTRACT  
of Doctoral Thesis in Law**

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