

THE STRATEGIC NEGOTIATION DEFICIT AND ITS EFFECTS IN CONTEMPORARY CONFLICTS

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Abstract

We want to believe that the evolution of technology and especially the increase in the volume of knowledge available to the contemporary world bring peace and prosperity. We want to believe that it is the democracy and implicitly the market economy that make people and nations focus more on dialogue and negotiation and less on resolving disputes by force. This does not happen because some state actors do not abandon the policy of force and manifest their interests through the use of the military tool. The negotiation deficit is rooted in the goals pursued, in the paths followed and in the tools used. The differences between the schools of thought of diplomacy, but especially the way in which they are manifested by the political decision-makers, make the world to be in a continuous conflict.

Keywords: *deficit, negotiation, diplomacy, interests, conflict.*

The Chinese philosopher Chuang Tzu said that "those who know do not speak, those who speak do not know and the wise teaches you by his deeds and not by his words." The best thing would be for me to be silent and to listen or to look for the facts of those who have worked in the field of diplomacy in order to better understand what I actually know I do not understand.

I have to take the risk of writing, and just because, although I have no diplomatic experience, in my military career I have been a spectator to dialogues and negotiations, it is right on national security issues, and I have had the opportunity to see who and how one knows how to best play his role as defender and promoter of national or allied interests.

I go further and point out that the subject I chose, namely the negotiation deficit, was confirmed to me in 2008 at the USAWC (United

State Army War College), where I was a student, and where, during an exercise, a member of the American negotiating team, who opened the dialogue related to the military presence in the Mihail Kogălniceanu base, told me that "you Romanians are more likely to offer than to ask."

I cannot help but make use of the words of the Prussian general Carl von Clausewitz, who said that "war is only the continuation of politics by other means," and in this case, relying on the experience in Afghanistan, to assume the fact that there I saw diplomacy, politics, economy and military action, combined for common purpose with and without the expected success.

I will also use the argument offered by one of my professors in the USAWC, who said that his work in Kosovo, namely the inter-agency, international, governmental and non-governmental process, was his nightmare based on the idea that it is difficult to reconcile the economic, diplomatic and national interests with international ones.

I think it is good to proceed to the development of the theme by stating two opinions about negotiation.

The first is that of Nelson Mandela who stated that "negotiation and dialogue are two powerful weapons that we can use to promote peace and development." The quote was taken from the Uppsala university website and what I found interesting is that Mandela uses the word weapon and not the tool although we are talking about peace, negotiation and dialogue (UN.org, n.d.).

The second opinion is of the great Chinese general Sun Tzu who said that "the ultimate art of war is to subdue the enemy without fighting."

We note that in China the art of defending one's interests in relation to those of the adversary have as a centre of gravity the avoidance of war and they are completed with a good knowledge of one's own interests and those of the opponent, but also with a good knowledge of the tools at hand for the manifestation of these interests.

Now I would like to refer, specifically, to a few elements that I think could clarify the title of the article, namely deficit and negotiation.

The deficit, defined by the Explanatory Dictionary of the Romanian Language, means the difference with the help of which expenditures exceed incomes and we could translate it, within our theme, through the losses or destructions that occur in the world in which we live, due to the non-use at full capacity of a tool specific to diplomacy and that is negotiation (Jackson, 2014; Zăpârțan, 2007).

Also, in this sense we could say that the negotiation deficit can be translated as a deficit of intercession between two parties who have a certain misunderstanding on a particular issue.

If we accept the idea that negotiation represents a solution to a problem, then we can also accept the fact that critical, and sometimes creative, thinking is necessary to solve the problem, that the problem must be clearly defined, that the tools for solving it must be identified, but especially that it takes ways and methods, known or discovered, to solve the problem. In this respect, we could say that effective negotiation needs a strategy in which the finalities are clearly defined, the paths are known and the instruments are validated.

I would ask myself, rhetorically, if today, in an ever-changing world and which, on the spiral of time, has tendencies to return to certain older states, we can talk about clarity in negotiating strategies.

My answer can only be a profane one because I am not a specialist, nor was it my intention to perform some exhaustive research, but I have tried to see how representative diplomacies work that can be considered guilty more or less of the deficiencies in the ability to negotiate peace in the world.

The first entity analysed, just for the simple reason that it is the one that affects our well-being, in the last fifteen years is Russia.

Before reviewing how Russia managed to manifest its interests, either through the force of diplomacy, or through blackmail or military action, I would like to present to you the perception that Gabriela Ciot, associate professor at Babeş-Bolyai University, a specialist in the subject matter of negotiations, has about the style of Russian diplomats when it comes to negotiation.

"The Russian style of negotiation frequently uses two types of negotiation, one with the aim of disturbing the opponent (an imitation of a negotiation, which prolongs the negotiation intentionally, time being their ally) and the challenge (which shows the lack of availability of a party in the negotiation process).

The three specific characteristics of the Russian school of negotiation are the following: concern for authority, risk avoidance and the imperative need for control.

It is also good to remember that a compromise in negotiation, from the perspective of the Russian diplomacy, is perceived as a "sign of weakness" (Revistasinteza, 2022).

You're going to wonder why I came up with this opinion of a professor and why it's related to Russia. I think it is relevant, I repeat from a personal perspective, because in 2008, in an essay at the USAWC, after the NATO Summit in Bucharest and before the Russian-Georgian conflict, I said that Putin must thank NATO and the EU for the help they offer him to become an authoritarian leader who will lead Russia for the next 25 years.

My arguments were the lack of understanding of President Putin's behaviour, the deficit of understanding the Russian collective mentality, but especially the negotiation deficit that was to be accentuated by the differences in policy but especially in diplomacy between the Russian and Western foreign policy apparatus.

I pointed out then that the Russian diplomatic apparatus is made up of professionals recruited from different backgrounds and who are trained, I repeat trained and not just educated, in order to negotiate Russia's interests from a perspective linked more to an ideology and less to foreign policy, security or economic interests specific to the Western world.

I was saying then and I am still saying it that there is a big difference between negotiating

long-term objectives with an apparatus that has continuity, experience and especially knowledge of the negotiating partner, as it is the case with Russia, and the manifestation of the Euro-Atlantic diplomatic apparatus, in which we have, with the change of political leadership, changes of interests, changes of strategies and changes of people.

I am not an admirer of Russia or of China, but I must admit that the two states, with authoritarian regimes, have retained an algorithm for building the diplomatic apparatus, ideologized, but which they have formed and perfected for a holistic approach to national interests.

I wouldn't stop at just making subjective statements, as I pointed out, and it took me to a few statistical elements, which I think might justify the title of my paper.

I would bring to the readers' attention the 2000-2023 period by reviewing the presidents, prime ministers and presidents of the European Commission, the US, China, Great Britain, Germany, France and Russia, along with the foreign ministers, as the main actors of the foreign and security policy.

The mandate of the President of the European Commission was held by 5 people, of whom only José Manuel Barroso had two mandates, between 2004-2014. The position of High Representative for Foreign and Security Policy was also held by 5 people, of whom Javier Solana held 2 mandates, between 1999 and 2009.

The U.S. was led by 5 presidents of whom Barack Obama held 2 terms between 2009 and 2017, and the secretaries of state numbered 9, 2 or 3 for each president's term.

In China, during this time frame, we have 3 presidents 2 of which with two mandates each. These were Hu Jintao and Xi Jinping, and we have 5 foreign ministers, one of whom, Wang Yi, held two mandates between 2012 and 2022.

Britain had 7 prime ministers, with mandates between 45 days and 10 years, assisted by 11 foreign ministers with mandates between 1 and 5 years, and on the mandates of prime ministers being between 2 and 3 ministers.

Germany had 3 chancellors, of whom Angela Merkel had 3 mandates with a duration of 15 years, and as foreign ministers she had a number of 4 each with a mandate of 4 years.

These characteristics that frame the general context of negotiations and consequently the positions of the Western states should have been built by empathizing with these negotiating styles, and not by interpreting the negotiating styles specific to the American, Anglo-Saxon or French culture.

In France, during this period there were 5 presidents of which Emmanuel Macron had two mandates, and 11 foreign ministers, with mandates between 1 year and 4 years (Constantin, 2006).

In Russia things are simpler, Vladimir Putin has been leading the country since 1999, as president or prime minister, but with the powers of president, assisted by 2 foreign ministers, of whom Sergey Lavrov has a 19-year seniority in office.

You will probably ask yourself, rhetorically, what relevance this data has in the analysis about the negotiating deficit and especially whether these team changes are desirable or we should adopt the Chinese or the Russian model.

It is far from me to think that the model of continuity adopted by states with authoritarian regime can be a useful one, but we must make some comparisons related to the education of those who work in this apparatus.

If in Europe there are a limited number of universities that train future diplomats, in the USA there are no less than 27 universities that offer education in international relations and diplomacy, which may lead us to think that diversity is good in most areas of social life, but perhaps it is advisable that diplomacy be more limited.

I also sought to observe what is the selection process for the US diplomatic service and I found on the website of the Foreign Ministry the following: "although there is no specific academic diploma or professional experience required to become an officer in the foreign service, all applicants must go through a rigorous selection process consisting of: a written test, a written personal narrative, an oral interview combined with role-playing exercises, a medical and security assessment" (Diplomacy, 2022).

Americans, although they are also followers of the diversity of provenance of diplomats, show in a 2022 article, published in the

Washington International Diplomatic Academy, that France, which has often claimed to have invented modern diplomacy shows us, by decree signed in 2021 by President Emmanuel Macron that it is putting an end to diplomacy (Kraleev, 2022).

The article states that in his attempt to fight elitism in his government, Macron has made it clear that he does not understand that diplomacy is a profession and not a playground for amateurs, no matter how intelligent and experienced they may be in other areas of life. The president is no exception because most politicians everywhere have a deep misunderstanding of what diplomacy is viewing it as similar to politics, where lack of political experience is often even an asset.

I think I am not in a position to make claims about the reform of diplomacy schools or about the way in which states establish access to diplomacy, and that is why I will refer to what I think I know best.

I learned in the faculty of history that it is not desirable to make post-factual analyses for the simple reason that events, apart from causes, also have a context in which they unfold and that that context is unique and must be thought of as a generator of events, but I also learned in the military institution that after each important action, a post-action analysis process is necessary from which lessons are detached, necessary to learn both for which it is useful and worth improving as well as for what is wrong and does not need to be repeated.

I'm going to stick to a few events from which it seems that diplomacy has not learned or if it has learned it has not used what it has learned.

The first lesson is that of the 2008 NATO Summit in Bucharest and the short-term effects, that is, the fact that Georgia and Ukraine were kept on the accession list, but Germany opposed it. Chancellor Angela Merkel said that "states facing internal territorial conflicts cannot become members of NATO. We are an alliance to safeguard security and not one in which partners face internal security problems" (Civil.ge, 2008). What the Chancellor was saying is true of Georgia, which had a dispute over Abkhazia and Ossetia, but that was not the case for Ukraine.

What could be seen at the time was that President Putin's influence, through the use of

the "energy weapon," that is, of Germany's dependence on Russian gas, was working quite well. We may wonder if this decision was driven by a negotiation deficit, and we can also give an affirmative answer, that's rightly subjective.

Germany has not negotiated with the US a long-term strategy on NATO enlargement, it has not negotiated with the US and the EU Member States, a strategy to counter the policy of "energy blackmail" used by Russia, and especially they have not negotiated a clear accession timetable with Ukraine and Georgia.

The result was more than predictable, that is, the US continued to encourage Georgia in resolving the border conflict with Russia, some voices say they would have supported it, and so it came to be that in 2008, following the Russo-Georgian war, Russia took control and supported the secession of the two regions.

I wonder if Western diplomacy has learned from this lesson from Russia, and I answer that I do not believe and this was only because the measures have been too weak and too fragmented.

I will not expose or analyse the reactions and attitudes of states, but it is necessary to point out that, following the Russian military intervention in Georgia in August 2008, NATO took the decision of suspending dialogue and cooperation under the aegis of the NATO-Russia Council and their "gradual and measured" resumption was decided by NATO foreign ministers in December 2008, less than four months later. In March 2009, they decided to resume the formal meetings of this council, as well as the allied practical cooperation with Russia (Nato.int, 2022).

I don't know if there was a deficit in negotiation between the EU member states and NATO, or just the fact that the President of the US was George Bush Jr. who said of President Vladimir Putin that "I looked the man in the eye and found him very simple and reliable," and therefore attacking, invading and occupying part of Georgia was a normal thing "for a trustworthy man" (Mufson, 2015).

And the German Foreign Minister said in August 2008 about the bombing of Georgia by Russia and the presence of Russian troops in that state that "we must criticize what needs to be criticised, and we have done so in the past, including with clear words when necessary,

related to Russia,” confirming what the German politicians, including Chancellor Merkel, carefully avoided, to attribute to Russia the blame for the conflict, both because Germany was dependent on Russia’s energy supply, but also as a continuation of the way in which Germany led, at the NATO summit in Bucharest, the European resistance to the plan, boosted and supported by the US, to support Georgia and Ukraine on the road to NATO membership (Şerban, n.d.).

Perhaps here we should also see how NATO, as a political-military alliance, with a role in guaranteeing security and defence, acted between 1997-2014. In this respect, I believe that the statements of the journalist Sidonia Bogdan are true:

“NATO tried to reconcile both the goat and the cabbage: on the one hand it has encouraged the Open Door policy for enlargements to Central, Eastern European and Balkan states, a decision that could not be stopped precisely because it expresses the principles of NATO’s founding treaty, and on the other hand, NATO also encouraged cooperation with Russia, in the idea that this power does not feel hostile, humiliated or marginalized on the international stage. What is paradoxical, however, is that after the end of the Cold War, in all the official documents of the Russian Federation on foreign and security policy, the expansion of NATO to the East was considered a threat. NATO, for its part, has repeatedly closed its eyes in the name of the cooperation with Russia and decided to suspend the institutional cooperation of the NATO-Russia Council only in 2014, when the Russian Federation illegally annexed Crimea.”

With regard to Russia’s annexation of the Crimean Peninsula in 2014, I allow myself to consider this a good example of a negotiation deficit just for the simple reason that there was no correlation between the EU and NATO in terms of economic and security objectives.

The EU’s good intention to develop the Eastern Partnership and to sign at the Vilnius Summit in November 2013, the Association Agreement with Ukraine did not take into account the actions that Russia could have taken economically and militarily against Ukraine.

I say this only on the basis of the fact that the Russian Black Sea fleet used the ports of Crimea

and a close political and economic link between Ukraine and the EU could imply a threat to the extension of the lease of these facilities.

Also worth remembering is the opinion of Edward Lucas from the Centre for European Political Analysis in Washington, which shows that one of the shortcomings of the Eastern Partnership was ignoring whether he likes it or not, Europe is engaged in a geopolitical competition with the Kremlin.

“Even before the Vilnius summit, some European leaders and officials believed that only by communicating the nature of the Eastern Partnership to the Kremlin leadership could everything come out well without taking into account the fact that the Kremlin leaders do not like the draws because they always want the victory. To feel safe, Russia needs a sphere of geopolitical influence that encompasses economically weak and politically docile countries. As far as Ukraine is concerned, the EU has overestimated its ability to influence it by underestimating that of Russia” (Saiciuc, 2013).

Here the question arises whether there has been a deep diplomatic “communication” between the EU and Russia and between NATO and the EU regarding intentions and especially consequences. The consequences of this fracture in the association plan were seen in what happened in Ukraine, starting with the demonstrations on the Euro-maidan, continuing with the statement of the former president of Ukraine, who was supposed to sign the Vilnius agreement, after the “green men” invaded the Crimean Peninsula: “I am willing to fight against those who rule Ukraine through fear and terror. I was forced to leave the country being threatened with death both myself and my family. Power was taken by young nationalists and fascists who represent only a minority in Ukraine. The interest of all regions of Ukraine must be taken into account. It’s very hard to find a way out of the crisis. The current situation is the result of the irresponsible policies of the West, which supported the Euromaidan” (Pro tv, 2014).

It could be seen from this speech that Russian support actions would follow for the “secession” of some spaces in Ukraine and only starting from the precedents in Transnistria, Nagorno-Karabakh, South Ossetia and Abkhazia.

I will not go into the details of the conflict in Ukraine, but I would like to bring to your attention what Armand Gosu said in March 2014: "Moscow's maximum objective, dictated by strategic reasons, is the Finlandization of Ukraine, its transformation into a buffer zone between Russia and the West."

I think that the best illustration of how the events unfolded and of the way in which each actor acted, is made by Liviu Tatu, in an article published by Agerpres.ro.: "in September 2014, a ceasefire agreement is negotiated in Minsk, which lasts for a few days, later known as "Minsk I" and the steps to resolve the conflict, continues within the Normandy format (bringing together France, Germany, Russia, Ukraine) and takes the form of a new ceasefire agreement in the case of the Ukrainian crisis in February 2015, known to date as "Minsk II," but which has not been fully implemented" (Onogea & Tatu, 2022).

Until 2021, the Russian Federation continued to increase its military presence on its western border, bringing military forces from other regions of its national territory, exceeding 100,000 soldiers, supported by offensive military equipment, while making requests to the United States of America and the North Atlantic Alliance, in which it calls for precise guarantees, including the fact that Ukraine will not join the North Atlantic Alliance.

At the beginning of 2022, talks in the Normandy format take place in Moscow, the American and Russian delegations discussed, in Geneva, finding a solution that will continue the rapprochement begun with the meeting between the US presidents, Joe Biden, and the Russian presidents, Vladimir Putin, in June 2021.

Against the background of the increasing tension in the Ukrainian crisis and the military increase at the western border of the Russian Federation, the leaders of the Western states (France, Germany, Great Britain, Italy) hold a series of discussions in Moscow, in order to de-escalate the situation, with decision-making representatives of the Russian Federation, without registering notable political-diplomatic results.

On February 20, 2022, the French presidents, Emmanuel Macron, and the Russian presidents,

Vladimir Putin, agreed, by telephone, to do everything possible to quickly reach a truce in eastern Ukraine, and also agreed on "the need to privilege a diplomatic solution to the current crisis and to do everything in order to achieve it" (Mareş, 2022).

On February 21, 2022, Russian President Vladimir Putin led the meeting of the Russian Security Council on the Ukrainian crisis. At the end of the meeting, the Russian president signs the decree announcing that the Russian Federation recognizes the Donetsk and Luhansk regions as independent republics and signs a friendship and cooperation agreement with them, and a day later, on February 22, 2022, the Federation Council (Senate) and the State Duma ratified the treaties of friendship, cooperation and mutual assistance with the pro-Russian separatist republics of Donetsk and Luhansk in eastern Ukraine

Ukrainian Foreign Minister Dmitro Kuleba announced, on February 24, 2022, that Russia had launched a "large-scale invasion in Ukraine," and Ukraine's President Volodymyr Zelenskyy announced on the same date the severance of diplomatic relations with Russia after the military aggression against the Ukrainian territory (DW, 2022).

We are a year after the invasion of Ukraine and only now we can say that, although negotiation with Russia is no longer possible, there is a strengthening in the way in which the dialogue between the EU Member States, perhaps with the exception of Hungary, offers prospects for concrete, sustainable and long-term action for the political, economic and military support of Ukraine, including the signing of a pre-accession agreement (Mircea, 1972).

Also, in this one-year period, we can observe a concertation and a concentration of the dialogue, led by the US within NATO, for the support with combat technique and with the provision of training to the Ukrainian military.

I do not want to conclude before I bring to your attention two more events which give note that there is a deficit in negotiation between states and unions, without seeking the blame of the either side.

The Transatlantic Trade and Investment Partnership (TTIP), negotiated between the

European Commission and the US Government, labelled by Hillary Clinton as “an economic NATO” and as a result of which the EU economy was to grow by 120 billion euros a year and that of the United States by 90 billion euros, was blocked at the end of 2016, just days after the election of Donald Trump as head of the White House, after 14 rounds of negotiations over two years (US embassy in Romania, n.d.).

It does not matter whether it is about American protectionism or the lack of flexibility of the Europeans, the important thing is that the dialogue was resumed after five years, with the arrival of President Joe Biden in the White House.

During this time, another agreement, the EU-China full investment agreement, negotiated and signed by the European Commission at the end of 2020, is blocked in 2021 by the decision of the European Parliament (Lupițu, 2021).

We do not know whether it relates solely to the behaviour of the Beijing regime or to the reopening of the dialogue with the US, what we are seeing is that we have a negotiation problem within the EU, between the Commission and the Parliament.

Perhaps it would be interesting to see how negotiation works within the EU, given that there are more and more frequent exits of heads of state or government, particularly from the eastern area of the union, which are “more threatening” than negotiating political, economic or social issues.

Perhaps it would be good idea to conclude by offering an opinion related to the perception that I have, as a former military man, about the negotiation deficit and to say that it is difficult to put at the same table “the soft-power,” respectively the diplomats who think in a liberal spirit, that is, that welfare brings peace and “the hard-power,” that is the diplomats who still consider that “the war represents only a continuation of politics by other means”.

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