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THE ASPECTS OF INTERNATIONAL LAW ON THE REGULATION OF TERRITORIAL CONFLICTS: THE CASE OF THE REPUBLIC OF MOLDOVA AND GEORGIA

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CONTENT:

CONCEPTUAL BENCHMARKS OF THE STUDY

The topicality and importance of the approached problem. The issue of war and peace is the fundamental problem of contemporary international relations. Armed conflicts and acts of terrorism represent a serious threat to the security, safety and peace of the population. International terrorism and threats to peace can only be stopped by the use of legal means.

Successful management of relations under international law is an exclusive attribute of states and, at the same time, it is a fundamental right of the citizens of any democratic state. In other words, deficiencies in the organization and functioning of international law can lead to the human rights violations.

It is well known that public international law is the instrument for carrying out the foreign policy of states. The analysis of international political processes allows us to conclude that the heterogeneity of states at the international level is the source of contradictions in the creation and application of international law.

The topicality of the work consists of investigating the results and statistics of the ECtHR, according to which the number of applications submitted against the Republic of Moldova and Georgia is very high. Thus, in 2018, Moldovans addressed the ECtHR 2.5 times more often than the European average. In this regard, the Republic of Moldova is ahead of Germany, Spain or the Netherlands, the countries with a much larger population than our state. In 27 judgments (82%) of the 33 pronounced against the Republic of Moldova in 2018, the ECtHR found that our state violated the ECHR [7, p. 2].

By way of comparison, we emphasize that a statistic almost like that of the Republic of Moldova can be found in Georgia. According to the 2019 statistics taken from *The Report of European Standards of Human Rights and their influence in Georgia* [66, p. 18], the most common types of violations found by the ECtHR in Georgia are mistreatment, inadequate investigation of mistreatment and deaths, illegal detention, detention in inadequate conditions, etc.

Problems of the international law in the settlement of territorial disputes in the Republic of Moldova and Georgia have been treated relatively little in the domestic specialized doctrine. The scientific approach to this issue has always been a topical issue, with special theoretical and practical interest, especially due to the many cases of application of the legal rules governing it. By choosing to investigate this controversial topic, with reference to the fact that there is insufficient bibliographic material in Moldovan and Georgian law, we will contribute to the formation of legal doctrine in the field subject to research.

The complexity of the study consists in the fact that the research of the aspects of international law regarding the settlement of territorial conflicts in the Republic of Moldova and Georgia obliges us to analyze the material both from the perspective of public international law and from the branches of law with which the institution is associated. In this context, the relations of international law in the regulation of territorial conflicts is disputed between several fields of law, such as humanitarian law, international criminal law and international customs law, but also between the related fields, such as conflictology and the theory of international relations.

The specificity of the problem viewed in the paper consists of the fact that the examination of the aspects of the settlement of territorial conflicts in the Republic of Moldova and Georgia will be made from the position of the presence of international law relations and with reference to a determined circle of subjects. The criminal liability of states will be disregarded, because the legal source of the emergence of such responsibilities is attributed to the field of international criminal law and may represent the subject of research for prospective studies.

The need and topicality of scientific investigation of the problem of resolving territorial conflicts in the contemporary world are determined, in our view, by a few important steps.

A first step in this direction is the theoretical approach to territorial conflict. In our view, such research must provide an integral picture of the concept and phenomenon of "territorial conflict", as well as of the defining features that it has acquired in the contemporary period. At the same time, special attention should be paid to the forms and means of resolving territorial disputes, including in particular "settlement" and "regulation".

The complexity of the system of international relations also imposes the need for scientific evaluation of the "control" and "management" of territorial conflicts, as well as the legitimacy of the means of resolving them in the contemporary period.

Given that the key feature of territorial conflict is the use of force or the threat of its application, the second important step that needs clarification in the new circumstances of international law is the legal classification of the use of force as a means of resolving territorial conflicts.

The research of the aspects of international law in the regulation of territorial conflicts keeps its actuality due to the fact that in the practical activity appear many difficult situations that require an answer. In this context, it is obvious that a complex scientific investigation of the subject would be incomplete if it did not include case studies, which would elucidate the most important problems and particularities of the process of resolving concrete conflicts, which could represent the phenomenon of territorial conflict. For our study, as a research samples have served

the most representative territorial conflicts in the ex-Soviet space: Transnistria, Abkhazia and South Ossetia

In order to solve these issues, we will examine the issues subject to research from a scientific-practical perspective, in the light of international normative acts, national legislation and specialized legal literature.

The aim and objectives of the thesis. Based on the above, the purpose of this doctorate thesis is to conduct a complex and in-depth study of international law regulations on territorial disputes, especially on the most important legal issues affecting the settlement of territorial disputes in the Republic of Moldova and Georgia.

To achieve this goal, the following **research objectives** were outlined:

- analysis of the concept, essence, structure of the territorial conflict and identification of the forms of its manifestation in the contemporary period;

- presentation of regulations of international law in the field of territorial conflict resolution;

- detailed analysis of the causes of emergence and evolution of territorial conflicts in the Commonwealth of Independent States, especially in the Republic of Moldova and Georgia, in order to elucidate the main legal and political deficiencies that burden the process of resolving them;

- elucidation of the problems of applying international law in resolving territorial conflicts, in order to assess the efficiency and argue the need to connect it to international realities in the contemporary period;

- study of the application of international law in domestic law in the Republic of Moldova and Georgia in order to resolve territorial conflicts in these states;

- analysis of the contribution of international security and peacekeeping organizations to resolving territorial conflicts in the Republic of Moldova and Georgia;

- approach to peacekeeping operations as a factor in regulating territorial conflicts in the Republic of Moldova and Georgia;

- research of the particularities of the application of the rules of international law in the context of territorial conflicts in Transnistria, Abkhazia and South Ossetia;

- assessment of the role of the jurisprudence of the European Court of Human Rights in resolving cases concerning separatist regimes in the Republic of Moldova and Georgia;

- elaboration of conclusions on the phenomenon of international conflict as a whole, of the problems of their solution and formulation of suggestions and recommendations regarding the optimization of the international legal framework and of the practical activity in the field.

Methodological and theoretical-scientific support of investigations. The methodological support of scientific research consists of a set of theories and concepts specific to the field of research of public international law, materialized as a tendency in the content of the doctoral thesis through the methods of analysis: a) logic (deductive, inductive, specifying, etc.), consisting in the use of legalities, categories and logical reasoning with reference to the analysis of doctrinal opinions held by various authors and the synthesis of regulations on international law on the settlement of territorial disputes in Moldova and Georgia; b) *systemic*, manifested by researching the legal norms that regulate territorial conflicts; c) *historical*, used for researching the causes and occurrence of territorial conflicts in the Republic of Moldova and Georgia, starting from the period prior to the proclamation of state independence until now; d) *synthetic*, consisting in the general expression of the particularities of international law regarding the settlement of territorial conflicts in the Republic of Moldova and Georgia, in order to improve the national legislations in the field; e) *quantitative method*, used to study and systematize the normative and doctrinal, as well as national and international basis regarding the regulation of territorial conflict, resulting with conclusions and the possibility of elucidating appropriate solutions to regulate existing conflicts, but also preventing and resolving possible ones.

The scientific novelty of the obtained results. The innovative element is the support of any scientific research, being the indispensable component of the present scientific approach. The doctoral thesis includes a complex scientific investigation and an in-depth monograph dedicated to the study of contemporary international conflict and the particularities of the process of resolving it. In the local literature, the relations of international law regarding the regulation of territorial conflicts have been little researched, while the doctoral thesis is a scientific exploration of the issue in this field.

The scientific novelty of the paper derives mainly from the successful combination of political and legal aspects of the studied problem and the presentation of an integrated vision on the international conflict as: phenomenon, type of international relationship and subject of legal regulation.

In particularly, starting from the essence of the phenomenon of territorial conflict, from the practice of other states and international bodies in the field of resolving them, and by reference to the international legal framework, the paper highlights the worst issues affecting the resolution of territorial conflicts in Moldova and Georgia, and outlines the viable solutions to overcome them.

The important scientific problem that was solved by the elaboration of this paper lies in the multidimensional *research* of the regulations of international law on territorial conflicts in

the Republic of Moldova and Georgia, as well as the *elucidation* of difficulties in applying the relevant legislation, which has *the effect of formulating* a scientific basis for international law relations in this segment of research, as well as the *formulation* of proposals *law ferenda*, in order to *improve* the existing regulatory framework and the correct *application* of legislation by states.

In order to solve the scientific problem, a complex analysis of the peculiarities of territorial conflicts regulation has been carried out, having as an example the case of the Republic of Moldova and Georgia, which allows to develop the solutions to optimize international law.

Analyzing the scientific international law publications related to the settlement of territorial conflicts in the Republic of Moldova and Georgia, we have found that some topics in this paper, such as: strategies and tactics for resolving Transnistrian and Georgian territorial conflicts through international law, territorial integrity of states in the framework of legal and geopolitical dimensions, peacekeeping operations as a factor of regulating territorial conflicts in the Republic of Moldova and Georgia, so far they have been approached tangentially in the specialized doctrine. The insufficiency of the literature on this field of research is felt theoretically and practically.

The theoretical importance of the paper. The doctoral thesis is a monographic investigation of a theoretical and applied nature in the pages of which a complex examination of the regulations of territorial conflicts is carried out, focusing especially on the territorial conflicts in the Republic of Moldova and Georgia. At the same time, taking into account that the paper is elaborated in framework of the specialty of public international law, and the research subject is based on a complex field of approach, the research subject has been analyzed in terms of international law.

The applicative value of research. In addition to the theoretical-scientific dimension of the issue in the sphere of territorial conflicts regulation, the participants of the public international law relations face real difficulties related to the adoption of the most appropriate measures in the internal legal order. Thus, the solutions with applicative value proposed in the paper aim to improve the legal framework in the field of territorial conflict regulation, especially in the Republic of Moldova and Georgia.

The results of the investigations are beneficial to the continuous development of the science of public international law and, in particular, are likely to contribute to amplifying and extending theoretical knowledge on the phenomenon of territorial conflict and effective means of resolving it through the example of Moldova and Georgia.

In general, the research is beneficial for theoretical lawyers and career, specialists in the field of international relations, people interested in the specifics of international peacekeeping activity and its impact on the practical resolution of territorial conflicts.

Especially, the paper is of particular interest to employees of national and international structures in the field of maintaining international peace and security (ministries of defense, internal and foreign affairs, international officials, diplomatic and military corps, etc.) concerned with preventing territorial conflicts and regulating those already arisen for their final consumption.

From an applicative point of view, the paper can serve as a scientific support for making changes to the texts of existing international treaties / acts or for drafting new acts (international legal norms) on the definition of territorial conflict and regulation of the process of resolving it.

The thesis is a safe monographic source for researchers in the fields concerned with the issue of resolving territorial conflicts. The results obtained can serve as benchmarks in further research of the issue, at the level of monographs, doctoral theses, scientific studies, etc. The results obtained can be useful for the teaching process, in the elaboration of university courses, textbooks, theoretical and practical supports, used in different levels of training in the study of public international law and the theory of international relations.

Approval of the research results. The paper is developed within the Doctoral School in Law, Administrative and Political Sciences of the consortium formed by the Academy of Economic Studies of Moldova and the University of European Political and Economic Studies "Constantin Stere", at Profile 552 - Public Law, Specialty 552.08 - International and European Public Law. The preliminary assessment of the dissertation was carried out within the framework of a joint meeting (on _____ 2021) _____ of the University of European Political and Economic Studies ”C. Stere ”.

The implementation of the scientific results. The presented proposals are reflected in the definition of the concepts of “territorial conflict”, “regulations of international law”, identification of mutual correlation and interdependence of "strategies and tactics for resolving territorial conflicts - the role of states and international security and peacekeeping organizations in the management of territorial conflicts in the Republic of Moldova and Georgia" and "the peculiarities of applying the rules of international law in resolving territorial conflicts".

Publications on the topic of the thesis: 12 publications on the topic of the dissertation, of which: 3 articles in international journals; 6 articles in national publications. The main theses formulated in the dissertation are presented at 3 scientific conferences: 2 national conferences with international participation, 1 international conference in Chisinau.

Dissertation volume and structure: introduction, four chapters, conclusions and recommendations, bibliography of 332 sources, 181 pages of the basic text.

Keywords: territorial conflict, Georgia, Republic of Moldova, norms of public international law, territorial integrity, state, international security and peacekeeping organization, peacekeeping operation, geopolitics, territorial conflict management.

CONTENT OF THE THESIS

In the Introduction, the relevance and significance of the research problem is argued, the goal and objectives of the research are determined, the scientific novelty of the results obtained, the theoretical significance and applied value, the approval of the results and a summary of the paragraphs of the dissertation are established.

Chapter I, entitled "THE GENERAL SITUATION IN THE FIELD OF TERRITORIAL CONFLICT SETTLEMENT FROM THE PERSPECTIVE OF PUBLIC INTERNATIONAL LAW", has a theoretical character and is devoted to scientific analysis in the field of research, especially to scientific publications in recent years. The doctrinal and legal definition of the phrase territorial conflict is presented with the detailed analysis of the concept, structure and forms of its manifestation. A synthesis of scientific materials on the regulation of territorial conflicts was made in the light of the norms of international law. In this context, a characterization of the legal sources of regulation in the field of territorial conflict resolution is performed. The research problem and the directions for solving it are formulated.

In the first subchapter **"Synthesis of scientific materials on the regulation of territorial conflicts through the prism of the norms of international law"** is analyzed and synthesized the historiography of the reference topics of the doctoral thesis. As the object of this paper is to investigate the aspects of international law on the settlement of territorial disputes (the case of the Republic of Moldova and Georgia), naturally, we aim primarily to investigate norms, institutions and categories of public international law. We have also noticed that general public international law studies contain approximately the same information, the same topics, both for authors from Georgia and the Republic of Moldova, as well as for foreign ones. It is almost impossible to have a good understanding of the settlement of territorial disputes in the light of the rules of international law without placing the evolution of international law in international society.

The field of territorial conflict research in the light of international law has become a scientific concern for many authors. The aspects of international law regarding the settlement of territorial conflicts in the Republic of Moldova and Georgia have been analyzed by foreign

authors, such as: B. Magyar, R. Martín de la Guardia, R. González Martín, C. García Andrés, S. Markedonov, W. Czapliński, Ch.Waters, M.Rudnicki, A. Kleczkowska, M.Maciąg-Świontek, C.Tosi etc.

Among the Moldovan authors who analyzed the issue of territorial conflict settlement through the prism of international law, we highlight the authors A. Burian, V. Arhiliuc, V. Gamurari, N. Osmochescu, D. Casacu, O. Bontea, A.-M. Comşa, O. Serebrian, D.Bencheci, V.Cerba, A.Cresniov, V.Ţalalungă, T.Anton, M.Garaz etc.

The issue of territorial conflict settlement has been widely studied by Georgian authors through the publication of monographic studies, scientific articles, treatises, and collections of materials. The most famous Georgian authors who analyzed the territorial conflicts in Georgia through the prism of international public law are: G. Gabrichidze, G.R. Ketsbaia, R. Dursunov, D. Khetsuriani, M.A. Makhalkina, H.M. Djantaev, L. Alexidze, A. Kuhianidze, T. Diasamidze, K. Khutsishvili, I. Gutkaradze, R. Dekanozova, G.Sh.Kasamadze, A. Abashidze, V. Mgaloblishvili, A. Bartsits, N. Samkharadze etc.

Currently there is a lack of specialized works, both in Georgia and in the Republic of Moldova, where is fully integrated the subject of international law on the settlement of territorial disputes. For the completeness of the research's subject, there were used bibliographic sources from several fields, but, in particular, the focus was on complex and interdisciplinary scientific categories of international law, political science and security studies.

At the same time, the undertaken historiographical research allows us to highlight the existence of a consistent epistemological framework of territorial conflict historiography, the evolution and specificity of territorial conflicts in Georgia and the Republic of Moldova, the cooperation of states and international organizations in resolving territorial conflicts and less with reference to the process of applying the rules of international law in the context of the territorial dispute in Georgia and the Republic of Moldova. The analysis of scientific publications in the field of research is presented as a preliminary stage of the study and allows the differentiation of the perception of the reference subject, as well as the normative processes.

In the second subchapter, **„Territorial conflict - concept, structure and forms of manifestation"** is performed the multidimensional analysis of the territorial conflict. Addressing the issue of resolving international conflicts necessarily requires a primary multilateral approach to the very concept of a conflict, clarifying its essence, characteristics and distinctive character in relation to other similar categories, such as: "dispute", "conflict situation", "trial", "crisis", "war" [32, p.72] are terms that are often found in literature and international acts.

The notion of dispute differs from the notion of international conflict, the transformation of the dispute into international conflict depending on the degree of intensification of contradictions and conflict in the behavior of the parties. The boundary between the dispute and the international conflict is determined by the presence or absence of the conflicting behavior of the parties in the form of active clashes and confrontations.

An international conflict is often equated with an international crisis, although the relationship between them is the relationship between the whole and the party. In this context, an international crisis is a possible phase of an international conflict. This can happen as a logical consequence of the development of the conflict, as its phase [43, p.31], which means that the conflict has reached the limit in its development that separates it from military confrontation, from war.

We consider that territorial conflicts are currently not a form of confrontation between various actors, but also serve as the means of streamlining international relations, the means of coercion and sanctions against actors that do not comply with the international legal framework. It remains to be seen how much this, in turn, corresponds to the norms of modern international law and is within their limits.

The intervention of a third state in favor of an armed opposition group can also be indirect, under the economic, financial, strategic forms and etc. For this reason, an armed conflict can be characterized as international, since the armed group enjoys this support and can be compared to the de facto organ of a third state.

The third subchapter, ” Regulations of international law in the field of territorial conflict resolution” analyze the process of creating and applying the norms of international public law, which is marked by the mandatory participation of states as primary subjects of public international law, endowed with universal legal personality.

Considering that for a long time the trend of international law has been to outlaw the war of aggression, we consider that the Covenant of the League of Nations has taken an important step in this direction, so that the participating States assumed certain obligations, including those not resorting to war.

The author claims that no state can invoke the absence of the status of a state party to a treaty, the object of which are the rules of international humanitarian law, in case when they are violated in the course of its armed operations, since the customary rules regarding international and non-international armed conflicts are opposite regardless of whether it is a party to such an agreement.

Subchapter four **"Formulation of the research problem and solutions for solving"** argues that the realization of the theoretical study contributes to the solution of the main ***research problem***, namely: the need to strengthen the regulatory framework in the field of international law in the context of the settlement of territorial conflicts, on the example of territorial conflicts in the Republic of Moldova and Georgia.

To solve the problem of the scientific research, an in-depth analysis of the provisions on territorial conflicts, especially in the Republic of Moldova and Georgia, has been carried out, which has had the effect of formulating a scientific basis for international law relations in this research segment in order to improve the regulatory framework and the correct application of legislation by states. The findings and recommendations of this document serve to support the optimization of the regulatory framework in the area of interest.

To develop the main direction of the research, as well as to solve advanced scientific problems, the article has been structured in accordance with the research priorities, such as: the specific emergence and development of territorial conflicts in the Republic of Moldova and Georgia (Chapter 2), the symbiosis of cooperation between states and international organizations, the settlement of territorial disputes in the Republic of Moldova and Georgia (Chapter 3) and the process of applying by the Republic of Moldova and Georgia the norms of international law in resolving territorial disputes (Chapter 4).

The creation of the research area is determined by the fact that legislation of the of international law on the settlement of territorial conflicts, including the legislation of the Republic of Moldova and Georgia, should be the subject of scientific research and should be compared with the doctrinal opinions expressed in this segment of the research.

The study of the regulatory framework for the regulation of international legal relations in the resolution of the territorial conflicts in the Republic of Moldova and Georgia as a research area is an important step in the development of the field of public international law having a strong impact on improving the regulatory framework in this area.

In the Republic of Moldova, the research of international legal relations in resolving the territorial conflicts is a novelty, despite the fact that there are normative acts and specialized literature that can serve as a scientific-practical basis for the development of this research area.

In addition to the theoretical and scientific dimension of the issues in the field of regulation of international legal relations in the settlement of territorial disputes in the Republic of Moldova and Georgia, both states face real difficulties in applying the most appropriate measures in the domestic legal order. Thus, the scientific problem solved in this article contributes to the improvement of legislation in this area in order to apply it in practice.

On the basis of the studies carried out, it has been established that there are shortcomings and omissions of a theoretical and normative nature, as well as the absence of works on the topic under study. To eliminate these shortcomings, there are formulated the conclusions and recommendations aimed at improving the quality of the regulatory framework for regulating international legal relations in resolving territorial conflicts. As a result, practical recommendations have been identified, the implementation of which can decisively affect the existence and strengthening of relations between states in terms of resolving territorial conflicts.

The fifth subchapter **"Conclusions to Chapter 1"** includes preliminary conclusions that territorial conflicts are currently not only a form of confrontation between different subjects, but also serve as the means of grading international relations, the means of coercion and sanctions against subjects that do not comply with the international legal framework. It remains to be seen to what extent this, in turn, corresponds to the norms of modern international law and is within their limits.

The complex process of forming the norms of international law in the field of resolving territorial conflicts is characterized by significant participation of states. Going beyond the scope of this research, we consider it necessary to mention that the process of creating norms of international public law in the field of resolving territorial conflicts is not limited to the conclusion of treaties by states and the recognition of generally accepted practice. Today, the role of international organizations in the process of international "legislation" is strengthened.

Despite the fact that states make a significant contribution to the process of creating and enforcing normative acts on the settlement of territorial disputes, there are too few scientific works in the doctrine of the Republic of Moldova and Georgia, as well as in the regional doctrine, defining the role of states by individualizing their contribution in the formation of the customs, the conclusion of bilateral and multilateral agreements. In turn, the international regulatory framework in terms of the creation and application by states of the norms of public international law, which has been developed mainly until the middle of the twentieth century, requires adaptation to the context of the new realities marked by an active presence of many state formations that are not recognized by the international community.

To identify the specifics of resolving a territorial conflict, it is necessary to identify the dynamics of the conflict, to concretize the phases that remain in its development, which will make it possible to assess the danger of escalating the conflict and, finally, to develop tactics and strategy for controlling this process and prevention of an extreme aggravation of the situation, the occurrence of irreparable consequences both for the parties to the conflict and for other subjects of international law.

A key moment in the dynamics of a territorial conflict is an act of aggression, which not only marks a significant aggravation of the conflict, but also has a pronounced legal character, in fact, presupposes a serious violation of the international norms and principles. In the modern period, an act of aggression can cause a sharp reaction from the international community, which especially affects the process of managing and resolving territorial conflicts.

The second chapter, **SPECIFIC OF THE APPEARANCE AND EVOLUTION OF TERRITORIAL CONFLICTS IN THE REPUBLIC OF MOLDOVA AND GEORGIA** is the central section of the thesis. An extensive research is done on the causes of the emergence and evolution of territorial conflicts on the territory of the Commonwealth of Independent States - the case of the Republic of Moldova and Georgia. An increased attention has been paid to strategies and tactics for resolving territorial conflicts in the Republic of Moldova and Georgia through international law. The issue of the territorial integrity of states on the international, legal and geopolitical dimensions has been extensively addressed.

The first subchapter **"Causes of the emergence and evolution of territorial conflicts within the Community of Independent States: the case of the Republic of Moldova and Georgia"** stipulates that the nature of the Transnistrian conflict differs from that of Georgia, with different geopolitical, territorial-statutory, cultural-linguistic, ethno-demographic and socio-ideological contexts. Respectively, the causes of these conflicts are different. What is certain is that these territorial conflicts have their roots back in the USSR, in the composition of which these states entered and evolved through the prism of the multiple problems or processes around which the actors of the conflict grouped. At the same time, the idea of separatism in these regions was supported by the Russian Federation with direct geostrategic interests in these states.

In the second subchapter **"Strategies and tactics for the settlement of territorial conflicts in the Republic of Moldova and Georgia in the light of international law"** the author states that thorough conflict resolution is impossible not only without removing the objective bases of confrontation of the conflicting parties, but also without identifying the subjective divergences between the participants of the conflict and the international community participating in its resolution. In this context, the Transnistrian, Abkhazia and South Ossetia conflicts should be regarded as a politico-territorial and international one, taking into account the dynamics of the changes of the geopolitical interests of the hyper-powers at regional and continental level.

The central figure involved in these territorial conflicts is the Russian Federation, which use the separatist regimes from Tiraspol, Suhumi and Tskhinvali as a tool to achieve their long-term geopolitical goals in southwestern Europe - part of the former Soviet Union.

But even in the case of a more constructive approach to the Transnistrian, Abkhazia and South Ossetia problems by Moscow, it is impossible to find a super-special status of these separatist regions, whose adoption will resolve the conflicts automatically. Their regulation must be found in a well thought out strategy, on the basis of which the Moldovan and Georgian authorities will make consecutive efforts coordinated with the partners from abroad, aimed at eliminating the separatist regime and rebuilding the country.

This is a gradual process that will take quite a long time, as it will be necessary to find a mutually acceptable and balanced platform to eliminate negative stereotypes, which stay insistently in the consciousness of the inhabitants of the Transnistrian, Abkhazia and South Ossetia regions.

In this respect, the Transnistrian, Abkhazia and South Ossetia conflicts are determined not so much as a struggle of the central power and of the separatist border regions, but as a result of the aspirations from outside, aimed at the territorial division of the Republic of Moldova and Georgis, which weakening of the country's sovereignty, a process actively supported by Russia.

We consider that the active strategy of the Republic of Moldova and Georgia should be aimed at reducing the dependence of the Tiraspol, Suhumi and Tskhinvali regimes on the Russian Federation. It is necessary to lead the Russian Federation to the conclusion that it is not in its interest to fuel separatism, especially when Moscow faces similar challenges in its own regions, such as the North Caucasus, the Kaliningrad region and the Far East. All mutually agreed points must be taken into account and the participation of all parties to the conflict is crucial. At the same time, it is important to draw up an agreement through negotiation, offering the most viable solution to ensure the reconciliation of all parties, and for the action plan to be applicable. We cannot say, however, that in the case of territorial conflicts in the Republic of Moldova and Georgia, the parties to the conflict are open to implementing the action plan in order to resolve them, in which case an important role belongs to the norms of international law.

The third subchapter **"Territorial integrity of states on international, legal and geopolitical dimensions"** are analyzed states, the integration of which in certain international or regional structures does not nullify their sovereign character.

Analyzing the current state of the norms of law in the field of sovereignty, territorial integrity and self-determination, it is necessary to conclude that, as in the past, the geopolitical factor exerted its influence in favor of one or another principle, and its realization depended on the will and the commitment of the subjects in regard to the essence of international law [31, p. 19]. At the same time, under the conditions of globalization and the emergence of a new type of

threats to national and international security, international law as a civilized landmark in relations between states becomes much more necessary than before.

Starting from the economic and demographic indicators, we consider that the geopolitical potential to ensure the national security of the Republic of Moldova and Georgia at present is not advantageous in relation to the geopolitical interests of the two major powers (EU / NATO and Russian Federation). The EU / NATO and the Russian Federation approach the Republic of Moldova and Georgia from a geostrategic perspective, because both states represent elements of a much more extensive geostrategic scheme, whose center is located in the Black Sea area.

In subchapter four **"Conclusions on Chapter 2"** the author states that the international territorial conflict needs to be resolved mainly by political and diplomatic means and by avoiding military interventions as much as possible.

The practice of applying the rules of international law shows us that the intervention of third parties in resolving territorial disputes involves certain risks, in other words, it can generate certain problems of a political and legal nature. The most serious problem lies in the distorted role that the third party can play in the negotiation process. The third party may pursue its own interests, thus seriously violating the rules of international law.

Taken as a whole, the conflicts in the Republic of Moldova and Georgia eloquently demonstrate that the process of managing international conflicts is only apparently carried out according to the unanimous legal framework established and recognized by the international community. De facto, this process is dominated by stronger states, which seek to satisfy their own interests. This fact also denotes the inefficiency of international structures to equidistantly apply the international legal framework to the great powers of the world, not being able to influence them and even more so to sanction them.

The central point that prevents the settlement of the conflicts in the Republic of Moldova and Georgia is that the Russian Federation has been recognized as a third party to these conflicts. Therefore, the cause of the failure to resolve territorial conflicts lies not in the impossibility of the parties (Republic of Moldova and Transnistria) to agree on mutually beneficial solutions, but in the involvement of Russia as a "third party" and its efforts to achieve its own interests in the region.

The solution to the conflicts in Transnistria, Abkhazia and South Ossetia can be either to remove the Russian Federation from the negotiation process and the peacekeeping mission, or to accept the conflict resolution model proposed by the Russian Federation, which is known to contradict all aspects of the interests of the Republic of Moldova as a sovereign and independent state.

The strategies of the Republic of Moldova and Georgia in order to resolve the conflicts in Transnistria, Abkhazia and South Ossetia need to be based on the following essential tactics: a) observance of the principles of territorial integrity and inviolability of state borders; b) the methods and means used to restore territorial integrity should be aimed at ensuring the country's security, real independence, strengthening state sovereignty, economic development and maintaining geopolitical balance; c) maintaining a pro-active position based on a well-thought-out strategy and effective cooperation with foreign partners; d) the core of the efforts to restore territorial integrity must be the interests of the population of Transnistria, Abkhazia and South Ossetia; e) to ensure the internationalization of the conflict resolution process regarding the participation of the international community in this process; f) to balance to the maximum the intentions of the Russian Federation to play the key roles of pacifier and intermediary, but also the negative intentions of some international structures that fuel the separatist crisis in order to maintain its political influences on the international arena.

Chapter three, **SYMBIOSIS OF THE COLLABORATION OF STATES AND INTERNATIONAL ORGANIZATIONS IN THE RESOLUTION OF TERRITORIAL CONFLICTS IN THE REPUBLIC OF MOLDOVA AND GEORGIA** demands a special scientific and practical interest, being devoted to the application of international law in domestic law in the Republic of Moldova and Georgia. In this context, the role of international treaties in the regulation of territorial conflicts, the contribution of international security and peacekeeping organizations in the settlement of territorial conflicts in the Republic of Moldova and Georgia are analyzed.

A special role belongs to the controversies in the theory and practice of public international law regarding peacekeeping operations as a factor in regulating territorial conflicts in the Republic of Moldova and Georgia, which is why a separate paragraph is devoted to this topic at the end of the chapter.

The first subchapter **"Application of the norms of international law in the domestic law of the Republic of Moldova and Georgia"** analyzes the relationship between public international law and domestic law, which is one of the basic problems of legal philosophy, while also having a special practical importance.

The author consider that there are significant differences between international law and domestic law, international law, although closely related to the internal law of the states, but has a number of important features. The main aspects that determine the differences between public international law and the domestic law of the states refer to: the object of regulation of

international law, the method of developing its norms, the subjects of this law and the system of application and authorization of its norms.

Any state is competent to adopt the rules governing the behavior of subjects of law internally by publishing civil law, commercial law, administrative law, labor law, etc., and at the same time, it must be able to enforce its execution and the specific sanctions. In other words, this means the ability for the state to use any *means of enforcement* or means of coercion to ensure compliance with its internal legal order.

We find that there are also rare cases where these two types of previously disclosed competences do not belong collectively to the same state: when it claims to exercise them, it faces serious and delicate international difficulties related to *conflicts of jurisdiction*, i.e. putting in the presence and in opposition two state sovereignty.

The second subchapter, **"The contribution of states and international organizations of security and peacekeeping in the management of territorial conflicts in the Republic of Moldova and Georgia"** analyzes the role and place of international security actors in the light of regulations under international law.

The adoption, implementation and success or failure of the application of crisis management and conflict prevention tools depends on the ability of local authorities and competent international structures to coordinate and make the best decisions. The military and civil-military structures involved in the management of the crisis or conflict must act in close cooperation with regional and international bodies and organizations, in order to positively influence local developments. Therefore, special emphasis should not necessarily be placed on expanding cooperation, but mostly on strengthening it.

In subchapter three **"Peacekeeping operations as a factor in regulating territorial conflicts of the Republic of Moldova and Georgia"** are analyzed world peacekeeping operations which are needed to resolve, manage or at least freeze the conflicts, thus providing real opportunities for stakeholders to review their actions and policies and to organize contacts to build consensus and maintain peaceful relations.

From our point of view, these four operations conducted by Russia in the post-Soviet space (in Transnistria, South Ossetia, Abkhazia and Tajikistan) contradict any international practices or legal norms and do not respect any of the three fundamental principles for the conduct of peacekeeping missions with small exceptions in the case of Tajikistan.

The missions in Transnistria, South Ossetia and Abkhazia are unilateral peacekeeping missions (for the Russian Federation). They are officially called "peacekeeping missions" and has become "statebuilding" missions after Russia recognized the independence of Ossetia and

Abkhazia and strengthened the unconstitutional regime in Transnistria, whose representatives are preparing for the moment when Russia will recognize their independence.

In the case of both the Republic of Moldova and Georgia (South Ossetia) we observe the same tendency. The Russian Federation unilaterally assumes the status of a peacemaker, in the absence of the competencies granted by the UN, an organization that bears the main responsibility for maintaining international peace and security. Moreover, in the conflict on the Dniester, the forces of the Russian Federation stationed in the Republic of Moldova as a consequence of the disintegration of the USSR, are on the separatists' side, a fact confirmed by several sources. A confirmation of the above is also the presence of the signatories of the Ceasefire Agreement - the Republic of Moldova and the Russian Federation. The third, the so-called "Transnistria" part appears later, within the Unified Control Commission, being promoted by the Russian Federation, which from the beginning does not correspond to the intentions of the signatories of this agreement. And the role of "peacekeeper" that the Russian Federation has assumed unilaterally (even if formally Chisinau has given this agreement, because it is not known under what conditions it took place) contradicts the concept of peacekeeping forces developed in the UN framework, to which we will refer later.

Despite the fact that the objectives of the peacekeeping force are to implement the process of disarmament, demobilization and reintegration of ex-combatants, it has been found that the real events happening in the conflict zones of the Republic of Moldova and Georgia have been completely different - from the introduction of pseudo-customs and of pseudo-border guards, to the systematic violation of fundamental human rights and freedoms.

Subchapter four **"Conclusions to Chapter 3"** provides the following exposures: 1. There are significant differences between international law and domestic law. Public international law, although closely related to the domestic law of states, has a number of important features. The main aspects that determine the differences between public international law and the domestic law of states relate to: the object of regulation of international law, the method of developing its norms, the subjects of this law and the system of application and authorization of its norms.

2. The principle of the supremacy of the international law over the domestic law is becoming one of the most important, since under the influence of this principle, there is a unification of the international space in which everyone from a person to a sovereign state is obliged to comply with the norms of international law. At the same time, the principle of the rule of international law does not imply that international law will be applied directly domestically as a positive law.

3. The territorial statements made by the Government of Georgia on Protocols 1 and 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, and the refusal of the Government of Georgia from responsibility for violation of the provisions of Protocol 12 to the Convention in the territory of Abkhazia and South Ossetia are appropriate and they are of particular importance due to the conflict situation in these two regions. We believe that territorial declarations and disclaimers can be made by the Georgian government when the separatist regions of Abkhazia and South Ossetia abandon separatist tendencies and fully submit to the sovereign and independent state of Georgia.

4. After the scientific research of the scale of peacekeeping operations as a factor in the settlement of territorial conflicts in the world, We have regretfully discovered that neither the legal doctrine of the Republic of Moldova and Georgia, nor the doctrine of other states to which we have had the access, with a few exceptions, contain complex and comprehensive scientific studies devoted to the issue of resolving territorial conflicts, capable of clearly identifying the causes and prerequisites of territorial conflicts, finding out effective mechanisms for their resolution presented by international peacekeeping operations developed in accordance with international mandates, and identifying certain milestones of the concept and content related to the field of resolving territorial conflicts through the mandate and conduct of peacekeeping operations.

5. Despite the fact that the Russian Federation is increasingly insisting on the granting of special rights by international organizations to guarantee peace and stability in the territory of the former USSR, this is contrary to the norms of public international law.

6. The peacekeeping operation in Moldova, as well as in Georgia, has created a negative precedent in international practice - the involvement of the parties of the conflict in such operations. These operations are not only contrary to international law, but also ineffective. This is confirmed by the introduction of military formations and equipment in the security zones, the bans established for military observers, the creation of border guard posts by the Tiraspol regime.

Chapter IV of the paper is entitled **THE APPLICATION PROCESS OF INTERNATIONAL RULES OF LAW IN SOLUTION OF TERRITORIAL CONFLICT OF THE REPUBLIC OF MOLDOVA AND GEORGIA.** An important role in the elaboration of this compartment is given to the particularities of application of the norms of international law in the context of the territorial conflict in Transnistria and the specificity of the application of the norms of international law to the settlement of territorial conflicts in Abkhazia and South Ossetia. At the end of the chapter, the role of the jurisprudence of the European Court of Human

Rights in resolving cases concerning separatist regimes in the Republic of Moldova and Georgia are highlighted providing concrete examples from judicial practice.

This Chapter analyze the evolutions related to the dispute settlement process in the Republic of Moldova and Georgia clearly showed the support of separatism by the Russian Federation, which had, in fact, a triple status: a state that had encouraged the outbreak of separatism controlling the separatist regions through military, economic, financial means; a mediator in the process of negotiations and guarantor of the reached agreements; a directly interested side in the final mode of conflict resolution.

In subchapter one **"Particularities of the application of norms of the international law in the context of the territorial conflict in Transnistria"** analyzes the state as a subject of international law in the exercise of jurisdiction in relation to goods and persons. It is obvious that in the absence of the State's exercise of the territorial authority, neither the jurisdiction over the territory can be exercised.

In the specialized legal doctrine, territorial supremacy is the mandate of the state in the exercise of full and exclusive power within the boundaries of the state territory. Territorial supremacy is provided and guaranteed both by the state's internal legislation and by the norms of international law [34, p. 76].

Subchapter two, **„Specifics of international law application in the context of the territorial conflict in Abkhazia and South Ossetia"** examines the process of self-proclamation of independence by South Ossetia and Abkhazia, has sparked scientific debates on the applicability of the right to self-determination, including the right to secession [57, p. 64]. Self-determination and secession are fundamental issues of public international law. In this case, some researchers (C.Walter, A.Ungern-Sternberg, etc.) mentioned that the right to self-determination and even to secession enjoyed by peoples and ethnic groups is in direct conflict with the sovereignty and territorial integrity of the states [47, p. 293]. Other researchers have stated that the right of states to territorial integrity may not be absolute and unqualified, because "the development of international human rights law has limited the concept of state sovereignty in many respects" [45, p. 21]. This approach introduces the idea of corrective secession. That is a set of conditions that could justify the secession of a people or ethnic group in its own state as a last resort measure [37, p. 67].

The EU categorically upholds the sovereignty and territorial integrity of Georgia within its internationally recognized borders, and by the Motion for a Resolution submitted on the basis of the statement of the Vice-President of the Commission / High Representative of the European Union for Foreign Affairs and Security Policy, the EU firmly indicated that ten years after the

outbreak of the Russian-Georgian conflict and Russia's invasion of Georgia, the Russian Federation continues its illegal occupation and tries to de facto annex the Georgian regions of Abkhazia and Tskhinval/South Ossetia, violating the international law and the rules-based international system. In addition, the EU indicated that after the ten years war between Russia and Georgia, the Russian Federation continues to violate its international obligations and refuses to implement the ceasefire agreement of 12 August 2008 mediated by EU.

In subchapter three, **"Role of the jurisprudence of the European Court of Human Rights in resolving cases concerning separatist regimes in the Republic of Moldova and Georgia"** is stipulated that in order the court reviews international territorial conflicts must apply the rules and principles proper to public international law. First, the positive law is considered here, that is, a pre-existing right, valid and applicable to the case at the time of referral. The court will apply the forms of expressing positive law, which immediately sends us to treaties and international customary law. Regarding the international treaty, the court inevitably uses the function of interpretation in the process of application [28, p. 34]. In turn, the international customary law demands the intellectual power of the court to identify this source, the finding being reflected on its bi- and / or multilateral application process [26, p. 33].

Subchapter four **"Conclusions to Chapter 4"** elucidates the fact that an international legal regime, especially an expansive legal regime, can be considered to be applicable in the regions of Transnistria, Abkhazia and South Ossetia is all the more significant, given the status of the regions as de facto states without obligations and possibility to apply international standards and norms, leaving the population of the regions without any international legal protection. From our point of view, the regime of international humanitarian law would provide a certain level of protection for the population condemning war crimes, such as rape, murder and torture, protecting civilian assets, and initiating criminal prosecution of alleged offenders.

Summing up the case-law of the European Court regarding the support of the separatist regimes by certain states, we note that their existence generates a series of problems, mainly referring to the responding state for the human rights violations produced on that territory. At the same time, there are three subjects who could potentially be responsible for the violations, one of which does not fulfill the conditions for assuming the responsibility, and namely the self-proclaimed state.

In the light of its jurisprudence, the role of the European Court has been affirmed mainly due to the achievement of an efficient, viable mechanism for guaranteeing human rights, which tends to ensure the application of human rights on the territories where separatist movements have been. These were expressed through the cases against the Russian Federation, Turkey and

the Republic of Moldova, but also in cases that did not involve directly the separatist regimes, however, addressed the issue of extraterritorial jurisdiction in which the European Court had ruled the principles applicable to the extraterritorial jurisdiction of the state.

GENERAL CONCLUSIONS AND RECOMMENDATIONS

The research conducted in this article has highlighted the relevance and importance of the research topic. At the end of this study, we believe that our goal has been achieved and the proposed objectives have been clarified.

During our work, we have analyzed numerous doctrinal sources and international acts, which helped us to clearly outline the aspects of international law on the settlement of territorial conflicts, especially in the case of the Republic of Moldova and Georgia. Thus, the general situation has been scientifically substantiated and presented fully and objectively in the field of resolving territorial conflicts through the optics of public international law, which allows theorists and practitioners to clarify the shortcomings of the international system, respectively, allows them to present specific solutions to eliminate gaps ultimately contributing to the improvement and enhancement of the effectiveness of international law.

Following the research carried out on the subject of the peculiarities of regulating territorial conflicts, we want to formulate a series of **theoretical-scientific conclusions**:

1. A territorial conflict presupposes a situation of maximum aggravation of contradictions in the sphere of national and / or international relations expressed in the behavior of the subjects in the form of active confrontations and clashes (armed or unarmed).

2. Despite the fact that states are key contributors to the process of establishing and enforcing regulations to resolve territorial disputes, the regulatory framework for research is outdated, largely developed by the mid-twentieth century, and must be adapted to the context of the new realities marked by an active presence of an increasing number of state entities not recognized by the international community.

3. The key moment in the dynamics of the territorial conflicts is an act of aggression, which not only marks a significant exacerbation of conflicts, but also has a pronounced legal character, in fact, presupposes a serious violation of international norms and principles. An act of aggression can cause a sharp reaction from the international community, which negatively affects the process of resolving territorial conflicts. Thus, the territorial conflict must be resolved mainly by political and diplomatic means and avoiding military intervention as much as possible.

4. The intervention of the third parties in the settlement of conflicts in Transnistria, Abkhazia and South Ossetia is as necessary as it is difficult, since, depending on the interests pursued, a third party can contribute to the settlement of the conflict, its resolution or its aggravation. The most serious problem is the distorted role that a third party can play in the negotiation process, as it can pursue its own interests in serious violation of international law.

5. In general, the conflicts in the Republic of Moldova and Georgia eloquently demonstrate that the process of settling international conflicts is only evidently taking place in accordance with the unanimous legal framework established and recognized by the international community. *De facto*, this process is dominated by stronger states that seek to satisfy their own interests. This fact also indicates the ineffectiveness of international structures for the equidistant application of the international legal framework to the great powers of the world, the inability to influence them and, moreover, to apply sanctions to them.

6. The developments related to the process of the Transnistrian settlement emphasize the support of separatism by the Russian Federation, which, in fact, has a triple status: a state that has encouraged the outbreak of separatism and controls the Transnistrian region militarily, economically, financially, etc.; a mediator in the negotiation process and guarantor of the agreements reached; a party directly involved in maintaining the conflict.

7. The central point that prevents the settlement of the conflicts in the Republic of Moldova and Georgia is the recognition of the Russian Federation as a third party in these conflicts. Thus, the reason for the failure to resolve territorial conflicts lies not in the inability of the parties (the Republic of Moldova and Transnistria) to come to a mutually beneficial solution, but in Russia's participation as a "third party" and its efforts to achieve its own interests in the region. These moments convincingly prove that the Transnistrian conflict is an international conflict in which decisions are made by the Russian Federation on behalf of Transnistria.

8. The solution for the settlement of the Transnistrian conflict can be either the exclusion of the Russian Federation from the negotiation process and the peacekeeping mission, or the adoption of the conflict settlement model proposed by the Russian Federation, which, as it is known, contradicts the interests of the Republic of Moldova as a sovereign and independent state.

9. The territorial declarations of the government of Georgia in accordance with Protocols 1 and 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms and the Government of Georgia's disclaimer of possible violations in the territories of Abkhazia and South Ossetia of the provisions of Protocol 12 to the Convention, are timely and of particular importance due to the conflict situation in these two regions. When the breakaway regions of Abkhazia and South Ossetia abandon separatist tendencies, the Georgian government may make territorial and disclaimer statements.

10. The Transnistrian peacekeeping operation (established on July 21, 1992) and the peacekeeping operation in Abkhazia (established on August 24, 1993, and terminated on June 15, 2009) set a negative precedent for international practice in connection with its involvement in

the parties of the conflict. These operations are not only contrary to international law, but also ineffective. The introduction of military formations and equipment into the security zones, the prohibitions established for military observers, the creation of border guard posts by separatist regimes confirm these conclusions.

11. The Transnistrian peacekeeping operation is illegal and atypical because it has not been placed under the mandate of a global or regional security organization in accordance with the provisions of international law. Thus, the peacekeeping operation in the eastern regions of the Republic of Moldova contradicts both the norms of international law and the framework status of international organizations (UN / OSCE).

12. The Transnistrian conflict includes two distinct differences: one regarding separatism on the territory of the Republic of Moldova (a dispute between the Republic of Moldova and the authorities of Transnistria), and the other regarding the illegal deployment of a Russian military base on the territory of the Republic of Moldova (dispute between the Republic of Moldova and the Russian Federation).

13. The role of the European Court of Human Rights has been strengthened in particular by creating an effective and viable human rights guarantee mechanism, which usually avoids creating a vacuum for the application of human rights in territories with separatist regimes. These wishes have been expressed in the light of the cases against the Russian Federation, the Republic of Moldova and Georgia, as well as in cases that do not directly concern separatist regimes, but in which the European Court has ruled principles applicable to the extraterritorial jurisdiction of a state.

14. We have found out that when the European Court is considering cases in which one of the subjects is Transnistria, Abkhazia or South Ossetia, the Court needs a longer period for an objective and thorough investigation of the factual and legal circumstances in comparison with the time used by the Court in traditional cases.

15. The existence of reparations regimes raises a number of questions for the European Court of Justice in relation to the state responsible for violations of human rights in the conflict territories. Practice shows that the European Court analyzes all the circumstances of legal significance and imposes an obligation to compensate for pecuniary damage on the state (the case of the Russian Federation) that controls the separatist territories.

Despite the ongoing attempts by the states to resolve the territorial disputes, we believe that international efforts in this area have not yet found a consistent and comprehensive scientific reflection at the national and international levels. For this reason, we have outlined some of the ***recommendations*** for strengthening the international system:

1. The actions of the Republic of Moldova and Georgia to resolve territorial disputes should be aimed at convincing the Russian Federation that its current policy of supporting separatism in Transnistria, Abkhazia and South Ossetia is unprofitable for Russia in the long term and does not correspond to strategic goals of this state.

2. The active strategy of the Republic of Moldova and Georgia should be aimed at reducing the dependence of the regimes of Tiraspol, Sukhumi and Tskhinvali on the Russian Federation. The Russian Federation must be led to the conclusion that it is not in its interest to fuel the separatism, especially when Moscow faces similar problems in its regions such as the North Caucasus, Kaliningrad region and the Far East.

3. The actions of the Republic of Moldova and Georgia to resolve conflicts in Transnistria, Abkhazia and South Ossetia should be based on the following essential tactics: a) observance of the principles of territorial integrity and inviolability of the state borders; b) methods and means of restoring territorial integrity should be aimed at ensuring the country's security, its true independence, strengthening state sovereignty, economic development and maintaining the geopolitical balance; c) maintenance of an active position on the basis of a well-thought-out strategy and effective cooperation with foreign partners; d) core of efforts to restore territorial integrity should be the interests of the population of Transnistria, Abkhazia and South Ossetia; e) ensure the internationalization of the conflict resolution process with regard to the participation of the international community in this process; f) minimization of the intentions of the Russian Federation to play the key role of peacemaker and mediator, as well as the negative intentions of some international structures, inciting the separatist crisis, in order to maintain their political influence in the international arena.

4. The involvement of the international community in the settlement of the Transnistrian conflict by transferring the peacekeeping operation in Transnistria under the mandate of an international organization authorized to resolve security issues (UN, OSCE).

5. The denunciation by the state of the Republic of Moldova of the Agreement on the principles of peaceful settlement of the military conflict in Transnistria, signed by Moldova and Russia on July 21, 1992. The denunciation must be made by the Republic of Moldova in accordance with Article 8 of the Nominal Agreement with the elaboration and presentation of a firm positions of the Republic of Moldova on the creation of peacekeeping forces in strict accordance with the norms of international law.

6. The establishment of an international humanitarian law regime in Transnistria which would provide a certain level of protection for the region's population. The application of the humanitarian law regime in Transnistria will provide an opportunity to prescribe war crimes such

as rape, murder and torture, protection of civilian property, and options for prosecuting suspected criminals.

7. The leaders of the Republic of Moldova and Georgia formally condemn the illegal actions of the Russian Federation, which has legalized its own peacekeeping operations in the territory of the former USSR. For this purpose, we propose to start consultations between the relevant factors of the Government of the Republic of Moldova and the Government of Georgia to develop a common position and present it to international organizations.

9. The replacement of the position of Deputy Prime Minister for Reintegration of the Republic of Moldova by a special body empowered to develop and coordinate state policy on the Transnistrian issue. The first step of this special body will be the development of a clear state concept, which will include concrete measures to resolve the Transnistrian conflict and its subsequent approval by the government and parliament. We recommend that international experts be involved in carrying out this reshuffle.

10. The final withdrawal by the Russian Federation of the operative group of soldiers remaining in Transnistria after the former 14th Army and the transformation of the security zone in the Transnistrian region into a demilitarized zone with its expansion to the entire left bank of the Dniester. This task should be monitored by international peacekeepers.

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ADNOTARE

Kurtskhalia Alexander. „Aspecte de drept internațional privind reglementarea conflictelor teritoriale: cazul Republicii Moldova și Georgiei". Teză pentru obţinerea gradului ştiinţific de doctor în drept. Specialitatea: 552.08. Drept internațional și european public. Chişinău, 2021.

Domeniul de studiu. Lucrarea fundamentează un studiu complex în sfera dreptului internațional şi european public, fiind axată pe reglementarea conflictelor teritoriale, în special asupra cazului Republicii Moldova și Georgiei.

Structura tezei: introducere, 4 capitole, concluzii generale şi recomandări, bibliografia din 332 surse, 181 pagini text de bază.

Cuvintele-cheie: conflict teritorial, diferend, reglementare, drept internațional, operațiuni pacificatoare, negocieri, ordine juridică internaţională, integritate teritorială, organizații internaționale, regimuri separatiste, aplicarea dreptului internațional în dreptul intern, gestionarea conflictelor.

Scopul şi obiectivele cercetării. Scopul tezei constă în abordarea complexă a raporturilor din sfera dreptului internațional în materia conflictelor teritoriale, cu privire specială asupra conflictelor teritoriale din Republica Moldova şi Georgia, analizate prin prisma prevederilor legislaţiilor naţionale, instrumentelor internaţionale, opiniilor doctrinare şi practicii judiciare în domeniu. Obiectul de cercetare al tezei este axat pe cercetarea ştiinţifică a legislaţiei din domeniul dreptului internațional public şi pe relevarea semnificaţiei acesteia în materia conflictelor teritoriale.

Noutatea şi originalitatea ştiinţifică. Teza conţine o serie de concluzii şi recomandări ştiinţifice, care vin să completeze problematica juridică în domeniul reglementării conflictelor teritoriale pe baza exemplului Republicii Moldova și Georgiei, însoțită de perfecţionarea cadrului normativ-juridic internaţional în materia conflictelor teritoriale.

Problema ştiinţifică importantă soluţionată constă în investigarea complexă a conflictelor teritoriale, cu referire în special la cazul Republicii Moldova și Georgiei, ceea ce a permis elucidarea principalelor probleme juridice și politice ce afectează reglementarea conflictelor teritoriale și identificarea celor mai reușite soluții de perfecționare a normelor dreptului internaţional în materie.

Semnificaţia teoretică. Rezultatele investigaţiei sunt benefice dezvoltării continue a ştiinţei dreptului internaţional și european public, mai ales prin abordarea complexă a reglementărilor internaționale și naționale privind conflictele teritoriale din Republica Moldova și Georgia. Rezultatele și concluziile, ce reflectă soluţiile teoretice degajate, servesc drept suport pentru perfecţionarea legislaţiei la acest capitol.

Valoarea aplicativă. În baza cercetărilor realizate, s-a constatat existenţa unor carenţe şi omisiuni de ordin teoretico-normativ. Pentru înlăturarea acestor neajunsuri, au fost formulate concluzii şi recomandări menite să îmbunătăţească calitatea cadrului normativ din sfera de reglementare a conflictelor teritoriale, cu precădere a celor din Republica Moldova și Georgia. Drept rezultat, au fost relevate recomandări practice a căror implementare poate influenţa în mod decisiv existenţa şi consolidarea legislaţiei în domeniu.

Implementarea rezultatelor ştiinţifice. Rezultatele cercetării au fost expuse în textele articolelor ştiinţifice, fiind discutate şi evaluate în cadrul conferinţelor de profil naţionale şi internaţionale.

ANNOTATION

Kurtskhalia Alexander. „The aspects of international law on the regulation of territorial conflicts: the case of Republic of Moldova and Georgia". Thesis for obtaining the scientific degree of doctor in law. Specialty: 552.08. International and European public law. Kishinau, 2021.

Field of study. The paper includes a complex study in the field of international and european public law, being focused on the settlement of territorial conflicts, with a special focus on the case of the Republic of Moldova and Georgia.

Structure of the thesis: introduction, 4 chapters, general conclusions and recommendations, bibliography from 332 sources, 181 basic text pages.

Key words: territorial conflict, dispute, regulation, international law, peace operations, negotiations, international legal order, territorial integrity, international organizations, separatist regimes, application of international law in domestic law, conflict management.

Purpose and objectives of the research. The purpose of the thesis consists in the complex approach of the reports from the field of international law in the field of territorial conflicts, with special focus on territorial conflicts in the Republic of Moldova and Georgia, analyzed through the provisions of national laws, international instruments, doctrinal opinions and judicial practice in the field. The research object of the thesis is focused on the scientific research of the legislation in the field of public international law and on the discovery of its significance in the field of territorial conflicts.

The novelty and the scientific originality. The thesis contains a series of scientific conclusions and recommendations, which complement the legal issues in the field of territorial conflicts settlement based on the example of the Republic of Moldova and Georgia, together with the improvement of the international normative-legal framework in the field of territorial conflicts.

The important scientific problem solved consists in the complex investigation of the territorial conflicts, with special regard to the case of the Republic of Moldova and Georgia, which allowed the elucidation of the main legal and political problems affecting the settlement of the territorial conflicts and the identification of the most successful solutions for improving the norms of international law in material.

Theoretical significance. The results of the investigation are beneficial to the continuous development of the science of international and European public law, especially through the complex approach of international and national regulations regarding territorial conflicts in the Republic of Moldova and Georgia. The results and conclusions, reflecting the theoretical solutions, serve as support for the improvement of the legislation in this chapter.

Application value. Based on our research, it was found that there are numerous theoretical and normative deficiencies and omissions. To overcome these shortcomings, conclusions and recommendations were formulated aimed at improving the quality of the regulatory framework in the area of territorial conflicts, especially those in the Republic of Moldova and Georgia. As a result, practical recommendations have been revealed whose implementation can decisively influence the existence and consolidation of the legislation in the field.

Implementation of scientific results. The results of the research were presented in the texts of the scientific articles, being discussed and evaluated at national and international conferences.

АННОТАЦИЯ

Курцкхалия Александр. «Аспекты международного права в отношении урегулирования территориальных конфликтов: на примере Республики Молдова и Грузии». Диссертация на соискание ученой степени доктора юридических наук. Специальность: 552.08. Международное и европейское публичное право. Кишинев, 2021.

Область исследования. Статья основывается на комплексном исследовании в области международного и европейского публичного права, уделяя особое внимание урегулированию территориальных конфликтов, на примере Республики Молдова и Грузии.

Структура диссертации: введение, 4 главы, общие выводы и рекомендации, библиография из 332 источников, 181 основных текстовых страниц.

Ключевые слова: территориальный конфликт, спор, регулирование, международное право, миротворческие операции, переговоры, международный правовой порядок, территориальная целостность, международные организации, сепаратистские режимы, применение международного права во внутреннем праве, урегулирование конфликтов.

Цель и задачи исследования. Цель дипломной работы состоит в комплексном подходе к докладам из области международного права в области территориальных конфликтов с особым акцентом на территориальные конфликты в Республике Молдова и Грузии, которые анализируются с помощью положений национальных законов, международных документов, доктринальных мнений и судебной практики в этой области. Объект исследования дипломной работы направлен на научное исследование законодательства в области публичного международного права и выявление его значения в сфере территориальных конфликтов.

Новизна и научная оригинальность. Диссертация содержит ряд научных выводов и рекомендаций, дополняющих правовые вопросы в области урегулирования территориальных конфликтов на примере Республики Молдова и Грузии, а также совершенствование международной нормативно-правовой базы в области территориальных конфликтов.

Решаемая важная научная проблема заключается в комплексном расследовании территориальных конфликтов, особенно в случае Республики Молдова и Грузии, что позволило выявить основные правовые и политические проблемы, затрагивающие урегулирование территориальных конфликтов, и выявить наиболее успешные решения для совершенствования норм международного права в неважно.

Теоретическое значение. Результаты исследования полезны для постоянного развития науки международного и европейского публичного права, особенно благодаря комплексному подходу международных и национальных нормативных актов по территориальным конфликтам в Республике Молдова и Грузии. Результаты и выводы, отражающие теоретические решения, служат поддержкой для улучшения законодательства в этой главе.

Прикладное значение. На основании проведенного исследования было выявлено наличие теоретических и нормативных недостатков и упущений. Для преодоления этих недостатков были сформулированы выводы и рекомендации по улучшению качества нормативно-правовой базы в области урегулирования территориальных конфликтов, особенно в Республике Молдова и Грузии. В результате были выявлены практические рекомендации, реализация которых может оказать решающее влияние на существование и консолидацию законодательства в этой области.

Внедрение научных результатов. Результаты исследования были представлены в текстах научных статей, обсуждались и оценивались на национальных и международных конференциях.

Alexander KURTSKHALIA

THE ASPECTS OF INTERNATIONAL LAW ON THE REGULATION OF TERRITORIAL CONFLICTS: THE CASE OF THE REPUBLIC OF MOLDOVA AND GEORGIA

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