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The right of the Republic of Moldova to defense and some aspects of defensive capabilities

Ion COROPCEAN, Ph.D.*

*Agency for Science and Military Memory of the Ministry of Defence
Republic of Moldova
e-mail: ion.coropcean@gmail.com

Abstract

Although it has declared itself a neutral state, the Republic of Moldova is compelled to consider potential sources of military threats. Defense is a fundamental and distinct field of national security, aiming to achieve national interests and the processes of political, economic, and social development of the state. According to international law, the Republic of Moldova has the right to defend and ensure its military security by all means at its disposal. It is legal to maintain Armed Forces, built on the principle of defensive sufficiency, for the defense of sovereignty, independence, and territorial integrity, as well as for the annihilation of armed conflicts and other acts of violence within the country that endanger the constitutional order.

Keywords:

defense; Armed Forces; military capability;
defensive sufficiency; military service; reservist.

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After the war on the Dniester River in 1992, the citizens of the Republic of Moldova remain under a series of risks and threats of a military nature, such as the possibility of hostile use of the military and paramilitary forces by the regime on the left bank of the Dniester River; the presence of the operative group of Russian troops and military infrastructure on the territory of the Republic of Moldova; the possibility of the war in Ukraine to extend close to the border of the Republic of Moldova; information attacks (operations); cyber-attacks; terrorist attacks; illicit arms trafficking; proliferation of weapons of mass destruction, as well as the trafficking of their components; illegal migration ([The Government of the Republic of Moldova 2018](#)). The need for citizens' safety through the prism of the Republic of Moldova's right to defense is even more current now that, starting on February 24, 2022, the Russian Federation has launched a war against Ukraine, which has a direct impact on regional security in general and the Republic of Moldova in particular.

The right of defense and defensive sufficiency

The Republic of Moldova, by Art.11 of the Constitution, declared itself a neutral state. However, international law allows all states to use armed force as a last resort to counteract acts of aggression. States thus can use their armed forces against other states that violate international law to defend their territorial integrity, independence and sovereignty and to punish the aggressor. In this sense, they are entitled to adopt appropriate measures in their territory that allow them to achieve the stated goals. The Charter of the United Nations Organization (UNO) also recognizes the right to self-defense of each state which, in case of aggression, is entitled to retaliate by all the means at its disposal, either individually or together with other states which are in bilateral or multilateral political-military alliance relations, for the provision of mutual aid in case of an armed attack. Article 51 of the UN Charter provides the inherent right of individual or collective self-defense in the event of an attack against a UN member state ([United Nations 1945](#)).

At the same time, the Constitutional Court of the Republic of Moldova, on May 2, 2017, through its Decision on the interpretation of Art.11 of the Constitution (permanent neutrality), mentions that in case of threats to fundamental constitutional values, such as national independence, territorial integrity or state security, the authorities of the Republic of Moldova are obliged to take all necessary measures, including military ones, which would allow them to defend against these threats effectively ([Constitutional Court 2017](#)).

Thus, the Republic of Moldova has the right to defend and to ensure its military security by all the means at its disposal, considering it legal and necessary to have Armed Forces for the defense of sovereignty, independence and territorial integrity, the annihilation of armed conflicts and other acts of violence within the country that endanger the constitutional order ([The Parliament of the Republic of Moldova 1994](#),

art. 57, art. 108). In this sense, the defense of the Motherland is a right and a sacred duty of every citizen, and the Armed Forces of the Republic of Moldova represent the people's will to be defended and have constitutional provenance.

In this context, the Armed Forces must maintain the sufficient composition and capacity that allows them, in peacetime, to be the guarantor of statehood, neutrality and constitutional democracy, and from the moment the premises of the real aggression appear – to deploy through mobilization that would guarantee the defense of the country and the coercion of the aggressor to give up their plans. The law on national defense stipulates that the forces of the national defense system are constituted on the principle of defensive sufficiency ([The Parliament of the Republic of Moldova 2003](#)). The principle of sufficiency to ensure military security, or defensive sufficiency, or reasonable sufficiency for defense is characteristic of the building policy of the Armed Forces of all neutral countries. The implementation of the principle of defensive sufficiency in the military-strategic sphere implies granting a defensive character of the military doctrine, compliance with international treaty quotas, imitation in the general structure of offensive formations, etc. ([Academic 2010](#)).

Defensive sufficiency can be determined as the military capability of a state (a coalition of states), which ensures the deterrence of a potential adversary from aggression and, as the case may be, its rejection, but excludes the ability to launch a surprise attack and conduct large-scale offensive operations without further deployment of the armed forces and the implementation of other measures to strengthen their combat power. Defensive sufficiency also requires resolute suppression of external and internal provocations and violations of the inviolability of the state border and airspace, contributes to the increase of national authority and the effectiveness of political, diplomatic, economic and other measures and efforts of non-violent acts that contribute to ensuring their own and international security.

We can consider the most important objective criteria that express the defensive sufficiency: a peaceful foreign policy that recognizes the role of military force only as a means of repelling aggression; the open defensive nature of military policy, military doctrine and strategic concepts of the armed forces, which do not provoke opposing states to increase their military power; the numerical strength and defensive structure of the armed forces, which are not excessively burdensome to the economy; as well as the predominant development of some types of defensive weapons, which together should preclude the possibility of using the armed forces to conduct large-scale offensive combat operations ([Makarenko 2000](#)).

The level of defensive sufficiency is determined by several factors: the nature and extent of possible potential sources of military danger, the size of the territory, the geostrategic position, the availability of resources, and the political and military-strategic objectives of the state. Therefore, defensive sufficiency means such a state in the relations between states, in which the amount and capacity of the military

forces of a state are sufficient to ensure its security but insufficient to attack another state. With such an understanding of the principle of defensive sufficiency, we can conclude that the state must adjust its defense efforts to the international situation to the norms of contemporary international law.

Some aspects of defensive capabilities

The principle of defensive sufficiency, a legal category, should be established in the state's laws and expresses the basis of its military policy. We aim to examine some capabilities of defensive sufficiency, which determine the quality of the Armed Forces, such as the number of active military personnel, the number of trained reservists, and the quantity and quality of equipment and armaments compared to neutral countries.

The Republic of Moldova has the smallest army in Europe compared to its population. There is a need for a new approach and economic support capacity, which will bring into perspective a new structure of the National Army and a numerical force at the level of the standards of neutral countries. Sweden and Finland are under consideration until the time of application for NATO membership. For example, Finland's army has 23,000 soldiers in a population of approximately 5 million, which is 0.4%. Sweden has an army of 21,200 soldiers or a share of 0.3% for a population of over 10 million; Austria has an army of 23,000 soldiers for a population of 8.8 million, which is 0.3%. Regarding the National Army, which currently has 6,500 soldiers, based on the factors that influence defensive sufficiency through the lens of the population, it should be approximately between 7,800 and 10,400 people for a population of 2.6 million ([The Government of the Republic of Moldova 2023a](#)).

Increasing the number of the army's soldiers during peacetime is also necessary due to the considerations of reforming the Border Guard Service into the Border Police and removing it from the Armed Forces, as well as reducing the number of personnel of the General Carabineer Inspectorate. These reform actions reduced the number of military personnel in the Armed Forces by approximately 6000 persons compared to 2012. The tasks that these structures performed in the interest of the Armed Forces remained in the care of the National Army. Thus, objective 9.2.10 – the gradual increase in the number of contract soldiers provided in the National Development Plan for 2023-2025, must be seen as an increase in numbers over the current army situation ([The Government of the Republic of Moldova 2023c](#)).

To ensure the execution of combat missions according to the destination, the National Army was equipped with military equipment mostly inherited from the former Soviet Army. It was equipped with 208 combat vehicles on wheels and tracks ([Cibotaru 2015](#)). Of the artillery equipment, there were 69 M-30, 2A36, D-20 towed guns, 9 2S9 self-propelled howitzers and 59 82 mm and 120 mm launchers (10

([fandom.com](https://www.fandom.com) 2015). The National Army received 85 transport trucks and 43 multipurpose vehicles from the US as part of the Technical Assistance Program. China donated 13 cars for military logistics ([Mihailovici 2015](#)).

On October 30, 1992, the Republic of Moldova ratified the Treaty on Conventional Armed Forces in Europe, which established comprehensive limits for key categories of conventional military equipment and provided requirements for the destruction of the weapons that exceeded these limits. In its military construction policies, the Republic of Moldova did not exceed these limits, and some were not even provided, such as tanks, attack helicopters, and others. According to this treaty, the Republic of Moldova has the following limits: max.210 units of battle tanks; max.210 units of armored fighting vehicles; max.250 units of artillery; max.50 units of fighter jets; max.50 units of attack helicopters ([The Government of the Republic of Moldova 1992](#)).

We will mention that the Russian Federation first suspended its participation in 2015. On May 10, 2023, it launched the procedures for the official denunciation of the treaty. On May 29, 2023, the Russian president promulgated the law regarding Russia's denunciation of the Treaty on Conventional Armed Forces in Europe (CFE) ([Croitman 2023](#)).

If we analyze, as an example, the proportion of tanks and combat vehicles in the Armed Forces of neutral countries per 1000 soldiers, we will find the following situation: the Republic of Moldova (without tanks) has 32 units, Finland has 100 units, and Sweden has 164 units. The Republic of Moldova has 3-5 times less armored vehicles for infantry. The same proportion is appreciated for other military equipment ([Global Fire Power 2022](#)). I noticed that the Republic of Moldova has no fighter jets and combat helicopters. In contrast, Austria has 15 fighter jets and 63 combat helicopters, Finland has 55 fighter jets and 20 combat helicopters, and Sweden has 71 fighter jets and 53 combat helicopters.

At the same time, we would like to mention that the equipment provided by the Army lags in comparable quality and requires refreshing due to the expired term of its operation. Refreshment is a mandatory process in maintaining the capabilities required by the military. For example, the term of exploitation and of being in the army equipment of armored vehicles and artillery is 40 years and more, provided that the instructions for exploitation and capital repairs, which are mandatory, are followed. This fact also dictates the planning of periodic re-equipment with new types of weaponry to meet the new combat requirements ([Tkachev, Khrustalev and Rassadin 2009](#)).

The Agreement signed between the Ministry of Defense and the Government of Germany is included in the actions to modernize the capabilities of the National Army. It provides the reception in 2023 of a batch of 19 Piranha 3 armored personnel carriers. The carriers will be used in the training process of the military and deployed in international peacekeeping missions ([Ministry of Defence 2023a](#)). Thus, carrying out modernization actions and acquisitions of new weapons systems instead of those

that have already completed their life cycle for the National Army, even keeping the number, is an actuality; it fits the principle of defensive sufficiency and is not the militarization of as stated by sources of hostile propaganda.

In this context, the Ministry of Defense has taken some actions for effective communication in combating more fake news and disinformation. We will mention a few: NATO and Romania „will invade” the Republic of Moldova; neutrality is what defends us, and we do not need the National Army, relations with NATO and other international organizations; the mobilization and combat training exercises and the modernization of the National Army are preparations to attack Transnistria; the Republic of Moldova is preparing to mobilize its population and attack Transnistria together with Romania; the US is building military objectives in Moldova; NATO is building a military base in Moldova and others.

In order to combat the disinformation, communication was ensured with media sources from the leadership of the Ministry of Defense and prompt answers were provided under the generic „StopFals” on the sites *stopfals.md* and *army.md*, the communication of the spokesperson of the Ministry of Defense was launched and others. Also, the Ministry of Defense, both at the level of the leadership of the institution and military units, as well as its military administrative structures in the territory, facilitated communication with civil society and citizens to ensure understanding of the National Army’s functions and role in ensuring military security, the army training system, development needs, and multilateral assurance.

In peacetime, the Republic of Moldova cannot afford to maintain an army according to its structure, numerically supplemented with personnel and equipment that must correspond to the state’s maximum military risk - war. The army’s capabilities are staggered depending on the magnitude of the risk and the tasks facing it to respond to this risk. For this purpose, the mobilization of the army is carried out, which, through organization and assurance, represents an aspect of defensive sufficiency.

In the ranking for the annual review of the human potential of the defense „Global Fire Power” for the year 2020, the Republic of Moldova is in 112th place out of 138 countries that were taken into account. The comparative table of available manpower shows a potential of 60 thousand reservists who can be put under arms during mobilization. It should be noted that the same ranking for 2021 places us on the 107th place out of 140 countries, also mentioning a potential of 60 thousand reservists. For 2022 and 2023, they mention us with a potential of 12 thousand active reservists and 1 thousand paramilitaries ([Global Fire Power 2023](#)). For example, neutral countries like Austria are ranked 23rd, with a potential of 160 thousand reservists in a population of 8.8 million, and Finland is ranked 4th with a potential active reserve of 900 thousand in a population of 5 million ([Global Fire Power 2023](#)). From this perspective, the Republic of Moldova should have a minimum potential of 47 thousand active reservists and a maximum of 450 thousand.

Thus, it is necessary to ask the question of an analysis of the capacities to call this number of reservists under arms. The presented calculations do not consider the fact that there is a big problem because many reservists are working abroad, and the remaining ones have lost the benchmarks of values they must sacrifice. Also, a significant issue is the demographic situation, which influenced the reduction of the number of men who can be mobilized ([The Government of the Republic of Moldova 2019](#)). This situation affects the human resources of the army for both active and reserve military service. We will mention that in neutral countries, compulsory military service is kept, being considered the main form of training of citizens for the defense of the Motherland and the preparation of the reserve.

We must restore the ability to bring our reservists under arms if necessary. It is a complex problem at the state level, the examination of which belongs to the competencies of the Government of the Republic of Moldova. Today, the specifics of the country's defense missions and the new requirements for ensuring the state's security emphasize the military's professionalism. Under this aspect, mobilized reservists must also be trained professionals; people taken together and without training no longer have a place in the mobilization system.

In this context, we will mention that in the legislation of other states, a distinct form of performing military service is military service in reserve, which can be performed by a volunteer reservist or a reservist from the general reserve ([Parliament of Romania 2006](#)). In the national legislation, Law no. 1245 of 18.07.2002, regarding the preparation of citizens for the defense of the Homeland ([The Parliament of the Republic of Moldova 2002](#)), we need a separate chapter, „military service in reserve”, which is currently limited to the formula „military service as concentrated reservists or mobilized”. This approach provides for its existence only after receiving the summons. The experience of other states in the organization of military service in reserve implies a complex amount of activities and responsibilities assigned to the reservist in peacetime, particularly for the volunteer reservists.

An essential role in ensuring that national defense is played by the territorial defense forces, for which we can identify several defining missions: participation in the liquidation of the consequences of exceptional situations; granting aid to the territorial structures of the Ministry of Internal Affairs to ensure constitutional order when a state of siege and war is declared; guarding objects of national and local importance in the territory; ensuring the needs of the components of the Armed Forces involved in combat actions. To carry out the missions stated above requires forces in organizational structures supplemented by reservists with a certain degree of training and an appropriate endowment. These forces, in various forms, are organized in several states.

In Ukraine, the components of national resistance are territorial defense, the resistance movement, and the preparation of citizens of Ukraine for national

resistance. The essential thing is that the Territorial Defense Forces in Ukraine are not only formed when the state of war is declared but are created in peacetime and operate according to the missions established by law. In the Republic of Moldova, the fundamentals of territorial defense are laid out in the Regulation on the Territorial Defense of the Republic of Moldova, which requires an evaluation, both at the implementation level and the system's improvement.

For these reasons, we need to change the optics of the perception of defense capabilities, of the principle of defensive sufficiency, from not only the supervision of the Armed Forces but to their support, so that they correspond to the capabilities necessary for the execution of constitutional tasks to guarantee the sovereignty, independence and unity, territorial integrity of the country and constitutional democracy ([The Parliament of the Republic of Moldova 1994](#)).

The provision of financial resources is essential in achieving the defense policy's objectives. The perspective of increasing the amount of financial allocations established in the National Defense Strategy for the National Army will only allow – in the long term – reaching the level of ambition set by the Military Strategy. For this reason, after the approval of the Military Strategy, the Ministry of Defense developed a long-term military capabilities development plan (for 2020-2030), which contains detailed actions, including the related costs, for the development of the necessary military capabilities.

The war in Ukraine required a comprehensive analysis of the security sector and the development of a new National Security Strategy. In this approach, supporting the National Army becomes an imperative necessity. President Maia Sandu, at the 30th anniversary ceremony of the founding of the General Staff, emphasized that our country needs a functional and modern army, now, more than ever, capable of responding to the challenges of the time. For this, the authorities must invest in the military infrastructure and in providing the workforce with whatever is necessary. „The military must have adequate working and living conditions if we want to transform the National Army into a reliable shield for the independence and territorial integrity of the Republic of Moldova” ([Presidency of the Republic of Moldova 2022](#)).

We will mention that the budget allocated to the Ministry of Defense of the Republic of Moldova for 2023 is 1,697,163.3 MDL (approximately 1.7 billion MDL). Compared to the budget allocated for 2022, it is an increasing by about 650 million MDL. Thus, if in 2022, the defense budget constituted a little more than 0.3% of GDP, then, in 2023, the figure constitutes approximately 0.5-0.6% of GDP ([The Parliament of the Republic of Moldova 2023](#)).

At the same time, important aspects of strengthening the defense system can be found in the National Development Plan for 2023-2025 and the Government's Action

Plan for 2023 ([The Government of the Republic of Moldova 2023b](#)). Also, the state's political leadership widened the area of cooperation in the defense field, doing the first projects with the European Union. Decisions were made by supporting logistics in cyber defense and activities to strengthen military capabilities in the Republic of Moldova ([MOLDPRES 2022](#)).

In order to strengthen the capacities of the armed forces in the field of communications and the fight against cyber-attacks, the European Union (EU) has announced the granting of 40 million Euros in funding to the Republic of Moldova. The money comes from the European Peace Facility, a fund administered by the member states outside the European budget, the European Council and the court of the EU member states, as mentioned in a statement. The financing does not involve the purchase of armaments. The action will allow the provision of equipment, goods and services to strengthen the logistical capacities and mobility of some units of the armed forces of the Republic of Moldova. It will also help them fight against cyber-attacks and strengthen their unmanned aerial reconnaissance and tactical communications capabilities ([Botnarenco 2022](#)).

In the same context, for 2023, the Council for Foreign Affairs of the European Union approved a new assistance package for the National Army aimed at strengthening the defense capabilities of the Republic of Moldova. The support, worth 40 million Euros, is offered through the European Facility Instrument (EPF). This aid will be directed towards developing the national airspace surveillance capacity, transportation and mobility capacities and the logistics and communications capabilities of the National Army ([Ministry of Defence 2023b](#)).

In this context, we will note that the political leadership is aware of its role in ensuring and promoting defense policies for the defense of the independence, sovereignty and territorial integrity of the Republic of Moldova, and in this sense, providing the necessary level of training of the Armed Forces, which must be capable of exercising its established constitutional tasks.

Conclusions

The Republic of Moldova has the right to defense, to ensure its military security by all means at its disposal, considering it legal and necessary to maintain armed forces for the defense of sovereignty, independence, and territorial integrity, as well as for the annihilation of armed conflicts and other acts of violence within the country that endanger the constitutional order. Thus, defensive sufficiency for the Republic of Moldova, as a neutral state, means a condition in relations between states where the quantity and quality of its military forces are sufficient to ensure its military security, addressing its risks and threats. In this line of thought, we will fully exploit the potential of the principle of defensive sufficiency in its broader sense to ensure the capabilities necessary for the military security of the Republic of Moldova.

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