

**Miscellaneous**

**A Friend of the Danubians - Honorary Consul**

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**Abstract:** In this paper we intend to make some considerations on being appointed the Honorary Consul of the Republic of Moldova at Saint-Etienne, France, the Professor Christian Daudel, collaborator of Danubius University. In this respect we insisted upon the procedure stipulated by the international regulations of the Republic of Moldova and France in the field, but we also insisted on keeping the bases of personality and valuable work of those who exercise since January 1, 2014.

Christian Daudel was appointed Honorary Consul of the Republic of Moldova for the regions Rhône-Alpes and Auvergne and he began exercising its functions since 31st January 2014. As he added, with great modesty, in an interview, he was appointed according to the Moldovan government proposal, a proposal that was accepted by the French Ministry of foreign Affairs<sup>1</sup>. In fact, the appointment of an honorary consul is done within the consular relations between the two countries, France and Republic of Moldova.

The Vienna Convention of 1963 distinguishes between two categories of consular officers<sup>2</sup>, career consular officers and honorary consular officers: “*There are two categories of consular officers: career consular officers and honorary consular officers.*”<sup>3</sup>

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<sup>1</sup> *Christian Daudel - nouveau consul de Moldavie/Christian Daudel, the New Consul of Moldova*, <http://www.moldavie.fr/spip.php?article2577>.

<sup>2</sup> For details see (Maftai, 2007) “*Christian Daudel - nouveau consul de Moldavie/ Christian Daudel, the New Consul of Moldova*”, <http://www.moldavie.fr/spip.php?article2577>.

<sup>2</sup> For details see (Maftai, 2007).

<sup>3</sup> Article 1 section 2 of the 1963 Vienna Convention on the establishment of the Consular Relations.

The difference between the two categories is explained by Ion M. Anghel in the following terms: “*The career consuls are civil servants of the sending State who have no permission to engage in private business of any kind and as civil servants they enjoy certain prescribed privileges and immunities. Trading consuls are elected by the state from its own citizens, engaged in business in a foreign country or foreign nationals.*” (Anghel, 1996, p. 352), and RG Feltham characterized as follows the two categories: career consular officers are those who serve their own government and are appointed by the State Chief or the Minister of Foreign Affairs, whereas honorary consular officers are not career officials, and for them the consular functions do not represent permanent occupation. (Feltham, 2005, p. 82)

Consular Statute<sup>1</sup> developed according to paragraph 2, Article 4 of the Law on Diplomatic Service no. 761-XV of 27 December 2001 and which aims at regulating consular activities of diplomatic missions and consular offices of the Republic of Moldova, establishes a point 81 that Republic of Moldova recognizes the institution of honorary consular officers.<sup>2</sup>

According to rules established by the Regulation on the Honorary Consul of the Republic of Moldova, approved by the Minister of Foreign Affairs and European Integration no. 683 of 20.06.2007<sup>3</sup> and in accordance with the Consular Statute, governing the legal framework on the appointment and activity of honorary consular officers of the Republic of Moldova, also the establishment, operation and termination of consular offices activities, led by honorary consular officers of the Republic of Moldova, the candidate to the post of honorary consul must meet cumulatively more requirements:

- Owning the citizenship of Republic of Moldova and / or of another State;
- Has permanent domicile or is documented with a residence permit in the resident State;
- Has full legal capacity;
- Is able to work from the health point of view;

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<sup>1</sup> Approved by Government Decision no. 368 of 28.03.2002, published in Official Monitor no. 50-52 of 11.04.2002.

<sup>2</sup> According to information published on the website of the Ministry of Foreign Affairs and European Integration of the Republic of Moldova, there are honorary consuls of Republic of Moldova in 33 states, “*Honorary consuls of the Republic of Moldova*”, <http://www.mfa.gov.md/consulii-onorifici/consulii-onorifici-rm/>.

<sup>3</sup> Published in Official Monitor no. 107-111 of 27.07.2007.

- Has sufficient financial resources to finance fully in the consular office activity, namely: technical and material equipment, payroll, providing transport and communication services etc.;
- Is in the possession of a property (or condition of purchase or rent for the whole period of exercise of the function of honorary consul), situated in the locality where it is provided the consular establishment, which will allow conducting appropriately the activity of the honorary consul;
- Has possibilities for : consistently promoting the interests of Republic of Moldova in the country of residence; establishment and activation of economic, commercial, scientific, cultural, sports, etc. relations; attracting investment and foreign capital in the economy of Republic of Moldova;
- No criminal record;
- It is not under criminal investigation;
- Not concurrently holding the position of Honorary Consul of the Republic Moldova of a foreign state;
- He is not an employee of a diplomatic mission foreign or consular.<sup>1</sup>

If the person meets the criteria mentioned above, he is to submit, under Section 12 of the Regulation, to the diplomatic mission or accredited or designated consular office of the Republic of Moldova for the State to be established the consular post headed by an honorary consul, the following documents :

- Curriculum Vitae;
- Completed questionnaire of the candidate for Honorary Consul of the Republic of Moldova (provided in annex no. 1);
- Certified copy of ID;
- Two color photographs of the candidate (4.5 cm x 3.5 cm size);
- Criminal record issued by the competent authorities of the receiving State and the State whose nationality the candidate for honorary consul holds, issued with at least 3 months before the submission of the dossier;
- Documents on the consular premises (location, plans, diagrams, photos, technical details, etc.);
- Commitment in writing that he will seek remuneration for his work as well as diplomatic or service passport of the Republic of Moldova.

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<sup>1</sup> Point 10 of the Regulation on the Honorary Consul of the Republic of Moldova and Appendix 2 to the Regulation on the Honorary Consul of the Republic of Moldova, “Criteria for the selection and appointment of honorary consuls”.

These documents should be submitted both original and translated into the language of the Republic of Moldova, certified in accordance with the laws of the State of residence and of the Republic of Moldova, and the international treaties to which Republic of Moldova is a party (section 14 of the Regulation).

The diplomatic mission or consular post of Republic of Moldova examines the set of documents and it renders a reasoned opinion on the desirability of establishing the consular office and the appointment of a person as honorary consul, which should include mandatory information referring to the reputation and credibility of the candidate for honorary consul of the Republic, its ability to entirely fund the activity of the consular office<sup>1</sup>, a statement of the measures to be taken by the candidate for Honorary Consul status in order to deepen the commercial / economic, investment, cultural, social relations, cooperation with diaspora, defending the rights and interests of Moldovan citizens in the country of residence, etc. (attracting investments in Republic of Moldova, contributing to enhancing the circuit of goods and services between Republic of Moldova and the country of residence, organizing in the country of residence exhibitions / economic forums with participation of economic agents from Republic of Moldova, familiarizing the receiving State with the culture of Republic of Moldova, organizing exchange of students between the two countries, etc.).<sup>2</sup>

The proposals for the establishment of a consular post headed by an honorary consular officer, the headquarters, the consular district and the nominee for the position of honorary consul are submitted subsequently for the approval to the Minister of Foreign Affairs and European Integration.

The decision establishing the consular office and the appointment of an honorary consular officer is followed by a request from the Minister of Foreign Affairs and European Integration of the Republic of Moldova and addressed to residence State, through diplomatic channels, that have as object the agreement on the establishment of the Office consular, the consular district and its headquarters, as well as the consent on that person's appointment as honorary consul.

After having obtained the approval of the residence State, to the honorary consular officer it shall be prepared the consular patent. The compulsoriness of the consular

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<sup>1</sup> For example, material and technical equipment, payroll, insuring transport and communication services, etc.

<sup>2</sup> Pct.16<sup>1</sup> established by the Order of the Minister of Foreign Affairs and European Integration 1127-b-174 of 15/10/12, Official Monitor no. 237-241 / 16.11.12 art. 1376.

patent issuing is established by article 11, point 1 of the 1963 Vienna Convention on Consular Relations: “*The head of a consular post receives from the sending State a document in the form of patent or a similar act.*” Consular patent is therefore an act of State and it reveals the expression of the holder’s will of sovereignty. (Maftai, 2010, p. 114).

From the structural point of view, the consular patent shall contain the following: name of the person appointed as head of the consular office; the office which that person will lead and for which is appointed; the category of the officials to which to the appointed person belongs (career or honorary); the office premises; consular district (Rusu, 2004, p. 156). The Consular Patent has the feature of being a strictly personal act (*intuitu persoane*), it concerns a specific individual who is called to lead a particular office, it is issued only to the person named as such and it is an act granted for an indefinite period (Năstase, Aurescu, & Gălea, 2002, p. 187)

Paragraph 22 of the Regulation requires that the contents of the patent for designating the honorary consul it should be mentioned its class, the headquarters of the consul headed by the honorary consul and the consular district, in paragraph 24 it is specified an unlimited period of validity of the consular patent.

According to the rules listed in the Regulation, the patent, stating the appointment of honorary consul, is signed by the Minister of Foreign Affairs and European Integration of Republic of Moldova, it carries the seal of the Ministry and it is in the state language of Republic of Moldova.

The consular patent is transmitted, then, through diplomatic channels, to the Ministry of Foreign Affairs of the receiving State requesting the release of the exequatur.

The Exequatur<sup>1</sup> is an act of government which recognizes the official nature of the consul and it grants the privileges and immunities conferred by treaties, custom and national regulations, and it allows him to exercise his official functions and it is released in the case of admitting the person named by the consular patent as such. The compulsoriness of its obtainment is provided in the 1963 Vienna Convention and in the bilateral consular conventions.

We note that the appointment and admission of the honorary consul (head of an honorary consular office) is achieved by unilateral acts of each state (the release

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<sup>1</sup> The term has the meaning “to be executed” (loc.lat.) (Rusu, 2004, p. 93)

and transmission of the consular patent, on the one hand, and the acceptance of appointment by exequatur, on the other hand). Although the appointment procedure is made by unilateral acts of the two sovereign states, the ultimate purpose of this procedure being the international valence (Maftai, 2010, p. 109). The bilateral report on the consular appointment and admission is called in the specialized legal doctrine the “report of consular appointment.” (Burian, 2003, pp. 202-203).

The management of the Ministry, Director of the Consular Affairs Department or the head of the accredited diplomatic mission or designated person for the state in question will hand in to the appointed honorary consul a copy of the consular patent, after the release of the exequatur.

According point 82 of the consular Statute, the Ministry of Foreign Affairs and European Integration, with the agreement of the competent authorities of the receiving State, may empower an honorary consular officer with the exercise of consular functions set out in Chapter III of the Statute. In the case of assigning to the honorary consul consular functions provided for in article 5 of the Vienna Convention on Consular Relations from 24 April 1963, the Regulation on the Honorary Consul of the Republic of Moldova in paragraph 27 refers to the fact that a the decision of the head ministry it may be separately signed a protocol on consular duties. According to the Regulation, the functions to be performed by honorary consular officer shall be determined by the Regulation, the Republic of Moldova’s legislation and international treaties to which Republic of Moldova is a party and they are listed in section 35, letters a-p.

The Regulation sets within one week after the acceptance of exerting the functions by the Honorary Consul where the General Directorate of Consular Affairs of the Ministry must inform the Parliament, the President, the Government, on the establishment of the consular office and the appointment of honorary consul.

Regarding the establishment of consular district, it will include those regions of the State that can actually be served by the Honorary Consul ant to present economic, commercial and investment interest for Republic of Moldova and / or where there are an increasing number of citizens of the Republic of Moldova.

Christian Daudel shall exercise the functions for Rhône-Alpes and Auvergne regions. In the exequatur it is mentioned that it is granted to Mr. Christian, Charles, Marc, Germain DAUDEL, as Honorary Consul of the Republic of Moldova in

Saint-Etienne, with jurisdiction upon the departments le Cantal, la Loire, la Haute-Loire et le Puy-de-Dôme.<sup>1</sup>

The establishment and development of consular relations and the exercise of consular functions aim specifically at promoting the development of economic, commercial, cultural and scientific relations between the sending State and the receiving State, to promote friendly relations between the two countries, to promote the rights and interests of the sending State and its citizens. The new honorary consul argues the need to create honorary consular office in Saint Etienne in order to develop the relations with Moldova, the consulate mission being to “develop the economic, artistic, academic and cultural exchanges with this country of Eastern Europe”, the new honorary consul particularly wanted the development of economic exchanges in the domain of industry and viticulture<sup>2</sup> a good initiative for Republic of Moldova while in September 2013, Russia imposed an embargo on imported wines of Republic of Moldova.

Moreover, the founding member of the Association “*Les Amis de la Moldavie, en Rhône-Alpes, Auvergne/Friends of Republic of Moldova in Rhône-Alpes, Auvergne*”, Christian Daudel helped along with the members of this association and its president Jean-Noël Cancade to the development of friendly relations between this region and Republic of Moldova.<sup>3</sup>

State practice shows that the persons that are to be named honorary consuls should be outstanding personalities in their domain (economic, cultural, scientific, etc.), to have financial independence and to be near the state for which he is going to exercise these attributions.

It is already known that Professor Christian Daudel was concerned for the development over time (over 20 years) of close relations with personalities and institutions in Republic of Moldova in the political, academic and cultural domain,

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<sup>1</sup> Legifrance.gouv.fr., Le Service Public de la Diffusion du Droit, *Exequatur accordés à des consuls/The Public Service of Diffusion Law, Exequatur granted to consuls*, [http://www.legifrance.gouv.fr/jopdf/common/jo\\_pdf.jsp?numJO=0&dateJO=20140626&numTexte=52&pageDebut=10558&pageFin=10558](http://www.legifrance.gouv.fr/jopdf/common/jo_pdf.jsp?numJO=0&dateJO=20140626&numTexte=52&pageDebut=10558&pageFin=10558).

<sup>2</sup> *Un Stéphanois devient consul de Moldavie dans la Loire/ An Etienne citizen becomes a consul of Republic of Moldova in Loire*, <http://www.zoomdici.fr/actualite/Un-Stephanois-devient-consul-de-Moldavie-dans-la-Loire-id135160.html>.

<sup>3</sup> CCI France Moldavie, “*Christian DAUDEL a fost numit Consulul Onorific al Republicii Moldova la Saint-Etienne/ Christian Daudel was appointed Honorary Consul of Republic of Moldova at Saint-Etienne*”, <http://www.ccifm.md/ro/single-news/n/49675/christian-daudel-a-fost-numit-consulul-onorific-al-republicii-moldova-la-saint-etienne/>

and he held geopolitical conferences at the French Alliance in Chisinau and at several universities or institutes in Moldova.<sup>1</sup>

Christian Daudel is one of the most important representatives of French spirituality, academic, geographer and geopolitician, an official representative of “geographic science of the world, Terre des Hommes”, a science “already instituted as philosophy for *Emanuel Martonne*” in the expression of his Excellency (Daudel, 2008). He is a thinker with a broad vision for the “*Homo geograficus component of Homo sapiens is circumscribed (...) axiological region of Humanity*” a configuration for which he devotes a large scientific, methodological and didactic approach, whose meanings go beyond the gnoseologic side, leading to a construction of meanings that echoes the humanistic rationalism method of Descartes, a landmark of universal civilization.<sup>2</sup> This vision has enabled him to understand the meaning of European construction and the need of Romania's accession in the first wave of expanding towards the east, after the Cold War, this pleading has brought him the title of “*Friend of Romania*” conferred by the president of the country, Ion Iliescu, at that time. Under these circumstances he first visited Romania and Republic of Moldova, where he will come back repeatedly as a professor, associate professor, initiator of educational partnerships or research projects. With a brilliant academic career in France, Christian Daudel has had classes of geopolitics and geostrategy and Globalism and globalization at the Faculty of International Relations and European Studies, Danubius University of Galati, Romania, in the first year of his activity. The topics addressed in courses, participation with articles to prestigious international conferences, such as European Integration, Realities and Perspectives, organized by the Danubius University, currently reaching to its 9<sup>th</sup> Edition, the dialogue of a high scientific level with Romanian teachers and students have broadened the horizon on the realities of this part of Europe. Visiting professor at the University of the Black Sea, at Costinesti in 1993, at the “Al. I. Cuza” University of Iasi, at Montreal in Quebec, at Libreville in Gabon, Christian Daudel has valued and transmitted the results of his scientific research, educational and political practice acquired as Director of International Relations Foundation of National Defense Studies (FEDN Hôtel des Invalides, Paris), Director of the geopolitics seminar of European

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<sup>1</sup> Ibidem.

<sup>2</sup> Ion Humă, *Laudatio*, Danubius University of Galati, Romania, 5<sup>th</sup> May 2005, [http://www.univ-danubius.ro/index.php?option=com\\_content&view=article&id=742%3Achristian-daudel&catid=235%3Ahonoris-causa&Itemid=510&lang=ro](http://www.univ-danubius.ro/index.php?option=com_content&view=article&id=742%3Achristian-daudel&catid=235%3Ahonoris-causa&Itemid=510&lang=ro)

Institute of International Studies (IEHEI, Nice), Director of the Seminar on geopolitics at the Black Sea University, Romania. An authority in his domain, mentioned in the dictionaries of the domain (Serebrian, 2006), author of numerous articles and reference works<sup>1</sup>, Daudel proposes a new system of thought and action to be incorporated into training programs, a new organization of knowledge and exploiting its usefulness, producing upon the Danubian collaborators what they called “the Daudel effect”, innovative connections, brilliant by their simplicity and utility, amid a broader vision.

In 2006 when Professor Daudel became the first personality to whom the Danubius University awarded the title of Doctor Honoris Causa, in Laudatio it was stated: “Romania is not yet a member of the European Union, but Europe through an illustrious professor of geography and geopolitics ascends within the Danubius University”. (Huma, 2006) Now, in the complicated geopolitical context in which the Republic of Moldova is, Christian Daudel, committed to his vision, engages in this noble mission, which honors us, the staff of “Danubius” University, that of Honorary Consul.

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<sup>1</sup> See as references this article's bibliography as well as contributions of Professor Daudel in *Geographie de la France/ Geography of France*, (Ed.) Adourme, V., Paris: Hachete and also *Geographie de l'Europe/Geography of Europe*, by the same author.

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