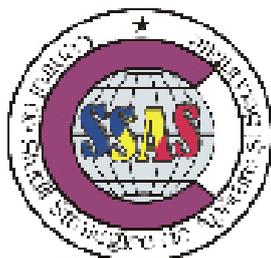


**ROMANIA**  
**NATIONAL DEFENCE UNIVERSITY "CAROL I"**  
**CENTRE FOR DEFENCE AND SECURITY STRATEGIC STUDIES**



# STRATEGIC IMPACT

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# THE WEST BALKANS' STATES INTEGRATION WITHIN EU AND NATO

*Mircea MUREȘAN, PhD*

*In this space, for ages, the persistence of crisis and conflicts is a constant of reality – we mean the Balkans -, the Europe's permanent and total non-involvement in the topics related with stability and the development leaves space for expanding the risks, dangers and threats on the continent's peace, security and prosperity.*

*Especially the situation from Kosovo urges the European and the Euro-Atlantic leaders to actively engage in solving out the West Balkans' complex issues, the intraregional and the regional cooperation, creating democratic institutions, the fight against corruption and organised crime, the integration of this space within EU and NATO, as a solution for a peaceful future and a lasting development.*

*Keywords: Kosovo, West Balkans, NATO, EU.*

In an optimistic projection, the future of Balkans and Europe looks like a united construct, as the results of some common economical, political, social, cultural and security efforts, of some proper internal and regional evolutions, of some radical reforming processes, of the European and the Euro-Atlantic integration.

## **1. Kosovo and the West Balkans' states aspirations to EU and NATO**

Does or does not the situation from Kosovo postpones the West Balkans' accession to EU and NATO? Such a question seem normal, as the expansion of these two organisations is centred, for the time being, on this strained space, with an unpredictable development, that, for fifteen years, has kept the interest of the international community. In the last year it has been the main topic on the European and international diplomacy working agenda. James Appathurai, NATO spokesman, during a recent interview for the military press, stated that he does not see a direct connection between these two processes, as least on what

concerns the Euro-Atlantic organization: the states from the region that would like to consolidate their defence by their association to an organization or another may do that if they comply with the Alliance's political, economical and military standards, without any conditions related with the situation from Kosovo. These two processes must be judged separately.

We think that this disjunction is not complete and conclusive. Both organizations need to take into account, when it is about their own decisions, the regional realities and the ones related with the candidate states. And these realities are very complex and volatile.

For ages, in Kosovo province and Metohia there have peacefully lived national, linguistic and confessional communities. The relations between them have continuously evolved and redefined, in a relation with the interests, conflicts or cooperation from that moment. But the experiences of the last decades – the suite of violence, amplifying the Albanian nationalism, the war and the post-war period that Kosovo has been passing over almost eight years – have ended many inter-community relations<sup>1</sup>.

In time, it has come to a turning moment, after the efforts for conciliation between the Serbian authorities and the Kosovar Albanian leaders, carried on by the international community up to the deadline of December, 10, 2007, did not come to a result. At EU level, the debates on the status of the Serbian province have actually divided the organisation.

While the majority of the 27 have expressed their agreement on the solution suggested by the "Ahtisaari Plan", that foresees the declaration of the province's independence under an international control, few states, Romania among them, stated that they will not accept such a solution that violates the sovereignty of the Serbian state, turning into a dangerous precedent for the continent's and the world's peace and stability.



According to many European political analysts, this last consequence should have worried most, as it may have had countless regional effects. According to Jean-Arnault Derens<sup>2</sup>, such a solution would give a free way to extremism in Serbia. It is believed that the Serbian Radical Party may adopt a military option for “liberating” the province. On the other hand, the Kosovo’s independence may represent a precedent for the Serbs from Bosnia, and for the Republic of Srpska, that would claim its right to self-determination. This may re-launch the Albanian transborder national matter and also some secessionist inflammations in Albanian regions from the North-West of FYROM, and also from the Presevo Valley, the Albanian area from the South of Serbia. There are also mentions about spreading this “partitioned” logic in Montenegro, where there are important pro-Serbian bulwarks that have never agreed with the declaration of the Republic’s independence, in June 2006. The multiple complications that may follow cannot do anything but delaying the accession of some Balkan states within EU and NATO.

On the other hand, the Kosovo’s detachment from Serbia would generate chained-reactions in different closer or further regions. Moscow rhetorically asked, pointing to Moldova: if Kosovo’s independence will be recognized, why wouldn’t also be the Transdnier? Such a perspective stirred vast diplomatic disputes between the Russian capital, Chisinau and Tiraspol, in order to establish the Moldova’s federalization.

Analysts assumed that the “domino effect”<sup>3</sup>, determined by Kosovo’s unilateral independence declaration, would seize many other countries from EU: Spain, Belgium, France, Greece, Romania, Slovakia, Bulgaria, and outside: Turkey, Russia, the former Soviet states from Caucasus, Iran, Irak, etc.

However, no matter what happens. Kosovo does not have to be either ignored or left out. According to Jacques Hubert-Rodier<sup>4</sup>, from *Les Echos*, when it is about the Balkans, EU should draw the required conclusions from the “lessons learnt” in the past. “The credibility of ESDP will be at stake in Kosovo, and not anywhere else“, stated a Euro deputy during a seminar about Europe, and Rodier considers this phrase as extremely significant. The only card Europe can play is the perspective of integration for Serbia and Kosovo within the Union. Without it, Europe will have to handle

what risks to remain, for a long period of time, the munitions warehouse of its South-Eastern flank.

An integration process is compulsory, even if it will not be an immediate one. Inside the Union, the province’s problems would be better solved out. Especially that, as some European experts notice, we may witness, in future, “an increase of the radical Islamism in the South of Serbia”<sup>5</sup>, as Al-Qaeda and other extremist movements have tried to increase their influence within the Muslim regions from the South of Europe, in order to better penetrate the continent.

There were voices asking bluntly: “Who’s afraid of Kosovo’s independence?” First of all, the Europeans themselves, who perceive what this real Pandora’s Box may unleash. Then, it Russia’s turn to worry, due to the existing pool of problems and contradictions in the tormented, multiethnic space of the former Soviet Republics, about what may happen: by the power of imitation, the continuation of the odyssey of secessionism from the West Balkans and the attempt to cast, from geopolitical, strong economical and maybe military reasons in the Balkans. Concluding on the future of the province’s status, the author we mentioned asserts that “the Kosovo’s integration will determine an improvement of the inter-religious and inter-cultural relations in Europe”<sup>6</sup>.

As a decision, especially one like this one, of the total or partial integration of the West Balkans within EU and NATO, is not easy at all, and the member states’ leaders do not hurry to take, as they have different opinions, confront with each other, carefully debate the topic, pondering over the total figure of the consequences of such an option. According to the above-mentioned analyst, one of the consequences will concern over a half a million of immigrants from Kosovo, almost a quarter of the province’s population that settled in Germany Swiss or other European states. Many of them opened there small shops, restaurants or small factories. The normalization of the Kosovo status will lead to their better integration in the states they emigrated and also increasing their capacity to contribute to the reconstruction of their country, as, in the poor countries, the finance from diaspora always plays a large role, as a contribution to development.

There are premises that, in time, the area of the former Yugoslav Federation will be again the prosperous and solid economy it used to be,



but the states making it up will have to recover all the losses at this chapter, to increase the regional cooperation and the cooperation with the international institutions, to correlate the economic stakes with the efforts for approaching EU and NATO.

The specialised researchers underline that, at present, in Serbia and the Balkans, the energetic stakes considered from the recent agreements between Russia and Serbia, “a strategic dimension and a geopolitic fight”<sup>7</sup>. Russia wants to become an attractive partner for the region’s states and, according to Jean-Sylvestre Mongrenier, from the French Institute of Geopolitics, “its grand strategy threatens Europe’s unity and its energetic security”.

He thinks that the future European energetic policy “cannot be limited to the global warming, and the problem of the free access to resources is essential; this is how we must commonly define the Europe’s energetic interests and think of the EU and NATO’s enlargements in the South-East part of the continent, a buffer zone towards the Middle East, but also a contact area with the Black Sea basin and the Euro-Asian Hinterland”<sup>8</sup>.

Even if the accession process of the countries from the West Balkans in the European and the Euro-Atlantic organizations will be, more or less, winding, even if it will take more or less time, Europe, as an ensemble, will benefit of the multiple long term advantages of this option.

### 2. EU expansion to the West Balkans space

For the EU member states, the ongoing organisation’s enlargement is an essential approach, at present coming to the South-Eastern Europe, the West Balkans and Turkey. The embraced conception on developing the process is that one of a gradual and carefully-led enlargement, that Olli Rehn, the European Commissioner for Enlargement, considers that the remarkable results from the organisation’s existence are due to the combination with the political development<sup>9</sup>. Mr. Rehn stated that the Union’s internal development and the successive enlargements are not contradictory, but complementary, and, by their combination, Europe became stronger and more powerful, as it is now. The enlargement negotiations are not done inertially and do not aim the rapidity, but quality, as the best guarantee for stabilizing the region.

The European official underlines the fact that the promise of a European perspective to the Balkan states was made during the European summit, from Thessalonica, 2003, as a strong peace factor, in a region traditionally called “the Europe’s powder keg”. From this perspective, it was foreseen the binder that was to maintain the region’s country on peace and reforms. The particularity of the new line of states that were to join the Union consisted of initiating the so-called “joining waiting-room”, the one referring to the EU’s Association Agreements (AA), that allowed then the tight coagulation of some states in contractual relation with the Union, each of them making progresses on the European way according to their own merits.

Croatia’s candidature was accepted by the Union in June 2004. FYROM applied in March 2004. The Stabilisation and Association process also regroups states as Albania, Bosnia-Herzegovina, Serbia, and Montenegro. Up to the accession, these countries benefit from the free access to the European market and they receive help from EU in order to achieve their national reform programmes. Croatia and FYROM were the first ones that signed AA agreements with EU, and the other above-mentioned countries were still negotiating, at the time this article is printed, such agreements, before applying for joining EU.

Kosovo topic has somehow postponed this process for Serbia. Only after the new Serbian government’s commitment for renewing the cooperation with the International Criminal Tribunal for the former Yugoslavia, the negotiations with AA, that were interrupted in May 2006, on the ground that Belgrade does not sufficiently work for handing over the Serbian war criminals, were resumed. Subsequently, the discussions were also about the fragility of the democratic forces this country has and the slowing of the reforms’ rhythm, caused by the division of the political parties, but the main obstacle was the absence of the full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY).

However, it is to be mentioned that, by the beginning of November, Serbia and the European Commission were signing the first Stabilisation and Association Agreement between EU and Serbia. This moment was considered a symbolic stage, before signing the so-called agreement that was conditioned by the preliminary achievement of the Belgrade’s “full cooperation” with ICTY.



The European executive asked Serbia to prove a constructive spirit in the negotiations regarding the final status of the Kosovo province.

The Stabilisation and the Association Agreement between Serbia and EU was to be signed during the EU's General Affairs and External Relations Council, dated January 28. Even this time, the Netherlands was against, stipulating, as a condition before signing the SAA, the unconditioned cooperation with ICTY and the arrest and surrender of the General Radko Mladici. Under the circumstances that during the second round of Presidential Elections, from February, 3rd, the radical Tomislav Nikolici came with a certain majority and with an obvious orientation towards Moscow, a country that recently Serbia signed an energetic agreement that increases Europe's dependence on the Russian hydrocarbons, EU wanted to rush-up signing the SAA with Belgrade, in order to support, during elections, the in-place president, the pro-West Boris Tadic, that wishes for the country's European integration.

That is why, in order to overcome the moment created by Netherlands' opposition, according to AFP, EU proposed to sign an interim political cooperation agreement with Serbia, to give the framework for progress on political dialogue, free-exchanges, the liberalisation of the visas and the cooperation on education. This gives hopes to Belgrade, that it will keep the relations with Brussels, hoping that the end of 2008 will bring Serbia the nominalization to the official status for becoming a candidate for joining EU.

By the end of January, some Union's members considered that the Kosovo file is in a critical stage. The possibility of some unilateral actions, announced as imminent, that may lead to tensions, generate concern. However, it was stated that if the UN Security Council adopted a clear resolution on Kosovo, this would allow EU to exercise its role, as a main actor within a civilian international presence in the South of Serbia.

According to AFP, in the expansion wider matter, in a draft of a report made by the European Commission, few months ago, it was mentioned a "threshold" for the candidates from the West Balkans, mentioning the fact that it is considered only an organization's enlargement on average and long term within the Balkans, taking into consideration the actual stage of these countries' preparedness. In 2007, in many of these countries,

this reform process was slowed down, as the Commission claims for efforts for improving the legal systems and the fight against corruption, a phenomenon that remains widespread and deeply rooted in the society.

Croatia was the best positioned in the draft document, the only one that started the negotiations with EU in October 2005. The commission estimated that important progresses are likely during the negotiations that will be held in 2008. Regarding Bosnia and Herzegovina, it was stressed out that the fact that, here, "the instigating rhetoric of the key political leaders has immobilized the reforms", and the political progresses "have slowed down". It was shown that the absence of the political agreement on the police reform, has determined the Commission not to recommend signing SAA with Sarajevo. Not long after that, the government approved a plan for approaching the police forces of these two entities – Bosnia and Herzegovina and Republika Srpska -, and few days after that, SAA was signed with this federation.

According to *Die Zeit*, the issue of the Balkans will not be solved out unless all the countries from the former Yugoslavia will be reunited under a single flag, the European integration one. A solution that is hard to put into practice, if we consider the conditions of the unilateral declaration of the Kosovo independence. In the conception of the Romanian diplomacy, the deployment of a European mission in Kosovo had to be done before the Albanian Kosovar leaders from Pristina announced the province's independence, as this would have implicitly meant the recognition of Pristina as a EU partner.

The Slovenian presidency of the EU considers the problem of consolidating the European perspective for the Western Balkans as important as other four main areas of its strategy for actions (the Union's future and the immediate coming into force of the EU Reform Treaty, the timely launch of the new cycle of the Lisbon Strategy, the issues related with the climate and energy and the dialogue between cultures, beliefs and traditions, in the context of the European Year of the Intercultural Dialogue), estimating that the European perspective has a significant importance for this region.

The fact that the West-Balkans states join the EU is considered a final objective, the change, reforms and stability's engine. On this ground, the



new European presidency builds its strategy for finalising the network of SAA, for strengthening the regional cooperation in different areas. After achieving, in a first stage, the come into force of the agreements between Slovenia and the West Balkans' states on simplifying the visa procedures, there are steps made for eliminating progressively the visa requirements.

There are efforts made in order to achieve the EU's unity on Kosovo (where it seems that EU will play a crucial role in the following stage, and the Slovenian presidency actively encourages the elaboration of common consent solutions, in order to ensure the regional stability on long term) and ensuring the development of negotiations with Croatia and Turkey, insisting on respecting the engagements made by the candidate states, as a compulsory condition for continuing the negotiation procedures. The main objective of these priorities and enlargement process, within the region, the Slovenian presidency underlines, is the population welfare and the society's development.

### **3. NATO and the "open doors" policy for the West-Balkans' states**

NATO's "open doors" policy, applied to the regional ensemble, is clearly explained by its Secretary General, Jaap de Hoop Scheffer, during the reunion of the Stability Pact for South-Eastern Europe, from Bucharest, November 2006: "There is no other solution for ensuring lasting security and stability in the West Balkans. This consists of having these countries NATO and EU members".

NATO's enlargement is one of the main topics that will be debated during the Alliance's Summit from Bucharest. Mentioning this issue on the agenda was mentioned in the Riga Summit Declaration issued by the Heads of State and Government that stated that "At our next summit in 2008, the Alliance intends to extend further invitations to those countries that meet NATO's performance based standards and are able to contribute to Euro-Atlantic security and stability." It is about the Adriatic Group that comprises Albania, Croatia and FYROM, the only official candidates to membership, states included in the Membership Action Plan, states that have received positive signals regarding the progresses that they have made and securing the intentions of having them invited within the Euro-Atlantic organization,

whether all, whether two or one of them.

Supporting their admission within NATO, US adopted in 2007 a law for granting assistance to Albania, Croatia FYROM, Ukraine and Georgia, the last two being considered, at that time, potential candidates for a future enlargement stage. This law reaffirmed the "sustainment for continuing NATO's enlargement" and authorises, for the fiscal year 2008, adopting some credits for certain military assistance programmes for these countries. It is likely to have FYROM detached from this group, if some of the allies, especially Greece, will use their veto during the April Summit, blocking its joining, determined by this country's denomination, that represent a foreign affairs matter that is very sensitive for the Hellenic state. The last information shows that the Greek government does not manifest a firm opposition, and if the Parliament also agrees, it may accept a composite state's denomination (Macedonia-Skopje, The New Macedonia or other).

In the Riga Summit Declaration there were mentioned, as arguments for the future invitation of these three Balkan states within the Alliance, the Parliamentary elections in Albania, their improved conduct, Croatia's full cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY), and the successful conduct of Parliamentary elections in FYROM. "The reform efforts within these countries have to be maintained", the Declaration stressed out. Albania was encouraged to continue progress, particularly on the rule of law and defence reforms, Croatia – to try to ensure that its membership aspirations are backed by stronger popular support and the Former Yugoslav Republic of Macedonia to continue political, economic, defence, rule of law and judicial reforms.

Also, during this Summit, it was decided that Bosnia and Herzegovina, Montenegro and Serbia were invited to join Partnership for Peace after proving their will and capacity to take and accomplish some international requirements. By the end of the summit, the 26 member states invited Bosnia and Herzegovina, Montenegro and Serbia to join the Partnership for Peace, as an important step for joining NATO: "Taking into account the importance of long term stability in the Western Balkans and acknowledging the progress made so far by Bosnia and Herzegovina, Montenegro and Serbia, we have today invited



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## THE POLITICAL-MILITARY PRESENT

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these three countries to join Partnership for Peace and the Euro-Atlantic Partnership Council”, the Riga Summit Declaration stated. “In taking this step, we reaffirm the importance we attach to the values and principles set out in the EAPC and PfP basic documents, and notably expect Serbia and Bosnia and Herzegovina to cooperate fully with the ICTY”.

The Alliance’s leaders stated these three Balkan states may have substantial contributions to the regional stability and security and by this invitation they were going to encourage new positive evolutions within the region. The NATO’s Secretary General stated that the decision was a significant political measure, and Javier Solana, the European Commissioner for Security, stated that it is a new major urge for the efforts made by the West Balkans’ states for overcoming their past.

NATO’s concern is justifiable when it is taken into account Serbia’s accept as a partner and then ally, especially on Kosovo topic. The Alliance leads Kosovo Force (KFOR), the international peacekeeping force, having around 16.000 troops. A decision on Serbia takes into consideration the new situation from Kosovo. Last December, Serbia warned that it will reject any offer for joining EU or NATO, if these organisations recognize the separatist province of Kosovo as an independent state. The Serbian Parliament approved a resolution stating that Belgrade will not sign any treaty that does not recognize its territorial integrity and sovereignty on Kosovo.

The resolution was supported both by the governing parties’ leaders but also the opposition. It is believed that, being afraid of some future complications, Serbia insisted on being included on Partnership for Peace before announcing the decision on Kosovo status.

By the above mentioned Declaration, the member states’ leaders showed their firm support of the efforts made by the UN Special Envoy at Kosovo status process for finalizing it and asked all the involved parties to collaborate constructively, prove flexibility, reach the standards established at international level and involve in local civilian institutions, considering that their final result should be finding a solution to improve stability in the South-Eastern Europe, to increase the whole region’s perspectives for joining the Euro-Atlantic institutions and acceptable for the Kosovar population.

Afterwards, NATO, rallying to EU, stated, in the Final Communiqué of the Meeting of the Defence Ministers, from June, 15, 2007, that it supports the Comprehensive Proposal for the Kosovo Status Settlement proposed by Ahtisaari. They asserted that it will guarantee the stable economical and political development of the province, also providing the region’s stability and security. Lasting peace and stability in Kosovo and the region remain of the utmost importance for the Alliance. NATO will not tolerate any threats to a safe and secure environment in Kosovo and will react swiftly and resolutely to any provocations, stressed out the Defence Ministers. The Euro-Atlantic integration was considered the key for long-term stability in the Western Balkans and it was welcomed the close co-operation between NATO and the EU, underlining the fact that their common objective was establishment of a democratic, multi-ethnic, peaceful and stable society in Kosovo.

Before the Bucharest Summit, NATO Secretary General, Jaap de Hoop Scheffer, stated during the EAPC Security Forum, from Ohrid, the Former Yugoslav Republic of Macedonia, that “the Alliance’s expansion within the Balkans, the energetic security and pacifying Afghanistan are, for the time being, the greatest challenges for NATO’s future”.

According to the NATO official, the next summit will project a clear vision on the Balkans’ future, asserting an increased commitment of the Euro-Atlantic organization to Bosnia and Herzegovina, Montenegro and Serbia, that should lead to ensuring the stability in Kosovo. In the same context, it is hoped to gain an agreement on the perspective of the Alliance’s enlargement. It is obvious the importance of the Kosovo topic, as obvious as the fact that the process that takes place in the Kosovo area after February, 17, needs control and coordination. With the forces it has deployed in the Serbian province, the Alliance thinks it is ready to handle any challenge, if necessary.

For the Alliance’s leader, the Balkans are an integrated part of Europe, and the accession of all the countries from the region in NATO is the only viable way to ensure stability. It’s in everyone’s interest to have Balkans as a stability region and the countries within the area to be able, at their turn, to provide military assistance in other conflict areas at worldwide level. If Croatia, the Former



Yugoslav Republic of Macedonia and Albania are ready for the responsibilities and obligations deriving from being part of the Alliance, they will receive the invitation for joining the Alliance. Comparing it with the previous enlargements, it is likely the organization's enlargement to take place considering their own merits, and this creates a certain anxiety up to the summit, when the invited states will be officially announced.

We think the following summit will allot some time for discussing achieving a NATO's anti-missile defence system, complementary to the one planned to be installed by the US in Poland and the Czech Republic, as recently media spoke about the possible redistribution of the Russian strategic forces in the West Balkans and in Kaliningrad area. Regarding the issue of partnerships, their extension and their consolidation, that will inevitably be discussed during the summit, there are no details regarding their perspective evolution, as, even if now all the countries from the region have institutionalised relations with the Alliance – as members, as included in the Partnership for Peace Program (PfP) or by the Euro-Atlantic Partnership Council, although all of them share the objective of the Euro-Atlantic integration and fully make use of the cooperation programmes with the Alliance, the specialists<sup>10</sup> state that the security in the West Balkans is far from being calm.

### Conclusions

The European and the Euro-Atlantic way the West Balkans' states have to move on are difficult but essential. Their integration within EU and NATO is absolutely necessary for the region's and the continent's long-term stability, as it is stressed out, in a recent report prepared by few General who occupied important positions in NATO, an important set of key-threats: the political and the religious fundamentalism; the gloomy side of globalization – the international terrorism, the organised crime and the spread of the weapons of mass destruction; the climate change and the energetic security determine a competition for resources and a potential major migration; weakening the nation-state, as well as UN, NATO, EU's ones.

Only the close cooperation of the international security organizations and the clear guarantee of a European perspective for the West Balkans' states

will finally stabilize the region. However, this integration is not possible unless there will come to a solution commonly accepted on Kosovo's independence.

The future of the region has to be built by integration and cooperation, by strengthening the European and the Euro-Atlantic organizations and by their tight cooperation on achieving the common objective, of achieving in Kosovo a democratic, multi-ethnic, peaceful society, by securing the province's stable economical and political development that also ensures the Balkans' peace and security.

### NOTES:

<sup>1</sup> **Le mythe d'un Kosovo multiethnique**, Etudes, January, 2007, pp. 21-31, apud Jean-Arnault DERENS, *Les experts redoutent une montée de l'islamisme radical dans le sud de la Serbie*, [http://tempsreel.nouvelobs.com/depeches/international/europe/20070404.FAP3926/les\\_experts\\_redoutent\\_une\\_montee\\_de\\_lislamisme\\_radical.html](http://tempsreel.nouvelobs.com/depeches/international/europe/20070404.FAP3926/les_experts_redoutent_une_montee_de_lislamisme_radical.html)

<sup>2</sup> Jean-Arnault DÉRENS, *Si elle commençait au Kosovo, la logique partitionniste pourrait s'emparer de tous les Balkans, de la Bosnie au Monténégro*, Le Temps, November, 13, 2007, <http://www.letemps.ch/template/opinions.asp?page=6&article=219201>

<sup>3</sup> **Idem**, *Marile puteri prinse în capcana Kosovo*, <http://www.monde-diplomatique.ro/Marile-puteri-prinse-in-capcana.html>

<sup>4</sup> Jacques Hubert-RODIER, *Le Kosovo, la fracture de l'Europe*, <http://www.lesechos.fr/info/france/4669253.htm>

<sup>5</sup> See [http://tempsreel.nouvelobs.com/depeches/international/europe/20070404.FAP3926/les\\_experts\\_redoutent\\_une\\_montee\\_de\\_lislamisme\\_radical.html](http://tempsreel.nouvelobs.com/depeches/international/europe/20070404.FAP3926/les_experts_redoutent_une_montee_de_lislamisme_radical.html)

<sup>6</sup> Adam NOVAK, *Qui a peur de l'indépendance du Kosovo*, <http://www.alternatives.ca/article2872.html>

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<sup>9</sup> See *Le grand défi européen: comment combiner approfondissement politique et*



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## THE POLITICAL-MILITARY PRESENT

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# PARTNERSHIPS AND ECONOMIC ALLIANCES. ROMANIAN FACILITIES AND OPPORTUNITIES

*Doina MUREȘAN*

*The economic interaction and interdependence between the world's states determines a concentrated coordination of the efforts for security. Thus, it showed a change from the direct confrontation between the great powers of the world for the achievement of some partnerships between them, the main causes being determined, first of all, by the economic and social development, the tremendous discrepancies that keep on existing and increasing as powerful sources of instability and one of the main problems of the international society. The strategic partnerships suppose both political and economic implications. In this respect, there are to be mentioned the following partnerships: Russia – EU, Russia - US, Russia – China. As a NATO and EU member, Romania will be able to beneficiate by the flexibility in widening the assistance area from the World Bank and to obtain greater amounts of money in case of necessity or whether the co-financing plans will require it. The Romanian economic development generates security, a permanent one, of system and, in the same time it beneficiates of economic security in its quality of the structures and economic functions security.*

*Keywords: economic organizations, strategic partnership, Russia, US, China, India, EU, World Bank.*

The partnerships are forms of cooperation that suppose “the development of some activities, the constitution and the practicing of some relations based on equality, fair-play and mutual advantage”<sup>1</sup> The manner in which the partners cooperate allows them to keep their identity and personality, they collaborate intensively, they find solutions together, respect their decisions, ask the mutual opinion when they come to a decision, taking care, in the same time, to decide in such a manner that will not lead to a mutual inconvenience. They can be: permanent; of a long duration; of a short

duration; for the carrying out more problems; for the carrying out a single problem.

The partnerships have always been and will continue to be, especially, nowadays, when “humanity crosses a period of profound changes, as a result of the transformation from a type of organization to another”<sup>2</sup>, a state that determines a certain vulnerability of the state security in the presence of some threats, but also in the presence of some risks, these have a great importance. At present, humanity straightens towards polarity, and, “in the equation of the security of future must be placed, primarily, the options of the partnerships”<sup>3</sup>.

Because of this, the beginning of the 21<sup>st</sup> century imposes the type of security through partnerships or collaboration. The strategic partnerships suppose both political and economic implications. Thus, their main objective is “the prevention of the war and the assurance of a security environment able to allow, on the one hand the crisis and conflicts management and the stop of their extension, and, on the other hand, the achievement of some partnerships in the respect of the access (privileged or unlimited), to resources and markets”<sup>4</sup>, markets that, “due to their specificities, on the ground of the relation demand-offer, dictate the repartition of the natural and human resources, of the goods and services, they will establish prices and will emphasize competitions reports”<sup>5</sup>.

The partnerships are determined by a number of factors that are on the ground of their appearance. These factors contain the economic, politic, ethnic and religious reality, with all the intricate threats and risks that result from here and that refer to: the process of the economic and informatics development, the excessive political breaking-up, the appearance of some strategic fissures between the policy of economic globalization, informational one and in the identity politics and security systems domain; the territorial differences; the deepness



of the fissures and economic and technological discrepancies, etc.

Therefore, nobody will be able – at least during the first decades of the 21<sup>st</sup> century – to carry out, on his own, the great problems of the world, to remove the causes that generate the dangers”<sup>6</sup>. The importance of the strategic partnerships is given by the fact that, in its context, “the national and international security builds up through cooperation and collaboration, excluding the confrontation between the great global and regional actors”<sup>7</sup>, grounding, thus, the basis of an international society, based on peace and security.

### 1. The system of the economic organizations

#### 1.1. North – American Continent

Although its roots are deep placed on the old continent, “the interstate integration has overtaken the European frontiers, becoming a presence on the North-American continent, as well”<sup>8</sup>. Thus, The North- American Free Trade Agreement (NAFTA) was created, in 1994, “as a response to what the West Europeans had done a long time ago”<sup>9</sup>.

The appearance of this organization, between US, Canada and Mexico, reflected the change of direction of US, between the multilateralism toward external multitrack policy. NAFTA also determined “a profound change of the traditional politics of Mexico and Canada, of keeping a distance from the gigantic (and not all the time agreeable), neighbour”<sup>10</sup>, namely US. The Free Trade Agreement regulates the commercial transactions between US, Canada and Mexico, for eliminating the tariff and non-tariff obstacles. So, one could notice that this organization, created for economic purposes, just like “the elimination of the commercial obstacles, the efforts for a legal and just politics, the creation of great opportunities of investments, the elaboration of a trade protection politics”<sup>11</sup> was also influenced by extremely important political factors.

Although NAFTA was considered as a result of the American efforts to dominate and conquer the economy of these two neighbour states, Mexico, whose US geopolitical proximity near US and the economic dependency towards this nation, was the country that initiated the negotiations that led to the creation of NAFTA. Therefore, the two neighbour states, on the economic and political grounds, had a positive reaction towards the Mexican initiative. Of a great importance is the fact that, by creating

NAFTA, US has stopped its strong opposition against the economic regionalism, thus establishing “the creation of the widest area of free exchange in the world, on a market that could extend from 390 millions of consumers at present to about 70 millions , in the conditions of the inclusion of some South-American countries”<sup>12</sup>, existing intentions regarding the NAFTA enlargement by associating some South-American countries, like Brazil, Argentina, Venezuela and Chile.

The American decision to take part to the negotiations for the NAFTA creation was strongly influenced by strict political considerations. These refer, first of all, to the necessity to carry out the Mexican emigration problem. In this respect, US had taken into account two possibilities: to accept whether a bigger group of illegal immigrants or more Mexican products”<sup>13</sup>. So, US chose the second option, that meant this one would give its contribution to the development of the Mexican economy industrialization, overpopulated and poor.

The originality of this organization is given by the fact that it gathers together very developed countries and a country in the process of the development, relatively developed”<sup>14</sup>, a not so common thing as, until that moment, it has not happened that, “two countries, from the most developed and rich ones “, to decide “a collaboration with a country in the process for development”<sup>15</sup>.

With the purpose of a worthy working of this organization, the three states have created proper institutions for NAFTA, namely: The North-American Development Bank with the centre in Texas, at San Antonio, The NAFTA Information Centre and the Secretariat for the Working Market problems, also in Texas, but at Dallas, NAFTA Multinational Secretariat Centre, that will develop its activity in Canada, in Toronto, and the Authority for the Environment in US will create its own local offices in Texas, at El Paso, in California, at San Diego, and in Mexico, as well. Thus, there has been created the widest area of free change in the world, NAFTA being “the first agreement that implies free commercial flows, at a regional level, represented by two industrial powers (US and Canada), and by a country in the process of the development (Mexico)”<sup>16</sup> and which “with an impressive economic and commercial potential, is more than an area of free change”<sup>17</sup>.



### 1.2. *The South - America*

This process of international integration, that has strong roots in the group of the developed states, with market economy, “extends towards the Third World, as well”, and “the first manifestation of integration into the countries in the process of the development we meet in the South-American continent, obviously more developed than others or regions in the process of the development”<sup>18</sup>. The sub-regional commercial agreements that expanded all over the South-America imply each of them only few countries and “reflect the variety of the South-American continent and the low level of physical and/or economic integration”<sup>19</sup>.

In this region, new forms of cooperation and economic integration, by the variety of the used mechanisms in the fulfilment of the purposes they were created for, try to find out, first of all, a solution for the main problems these states face with, namely the problem of the underdevelopment. In this idea, “people try to use the advantages of the scale economy, like a real way of better and quicker capitalization of the human and material resources the areas in question have, able to lead to the deepening of the international work division and to the decrease of their economic dependences on the economy of the developed countries”<sup>20</sup>. It is an attempt to increase the role of the countries found in the process of the development play in the context of the international economy.

So, the South-America has created its own regional organizations, with economic characteristics, meant to take out the countries belonging to this area from the category of the underdeveloped countries. The material and human potential, “associated to some reference factors in the field of the spiritual osmosis (linguistic, cultural and historic), has created real opportunities of the integration process promotion”<sup>21</sup> within this area.

The Latin American Free Trade Association (ALALC), - “represented the first integration of the countries in the process of the development inside the Latin American area”<sup>22</sup>, appeared in 1960, on the ground of the Montevideo Agreement (Uruguay).

Andean Pact or The Andean Common Market, created in 1971 between Bolivia, Columbia, Ecuador, Peru and Venezuela promoted the development in the region of some important industrial sectors (oil chemistry, metallurgy of

iron), and a very rigorous control of the use of the financial resources.

The Latin American Integration Association – was formed in 1980, on the basis of the Montevideo Agreement, replacing thus ALALC and includes the Latin American countries, excepting Cuba. ALADI, “an organization with an important weight if we refer to its economic and human potential”<sup>23</sup>, becomes the greatest economic power of the Third World in the Latin American continent. Its strong point was the acceleration of the liberalization project of the commercial changes and the development at the regional level of the industrial security.

The Southern Common Market (MERCOSUR) – represents “the most important regional pact in the Latin America”<sup>24</sup>. Set up at 26 March 1991, between Brazil, Argentina, Paraguay and Uruguay, as a result of the Asuncion Agreement ratification (Paraguay), Chile joined later (1996), as well as Bolivia (1997). The main objectives were about the liberalization of the mutual commerce and the harmonization of the macroeconomic politics. The creation of MERCOSUR and its acceptance meant a major political change in this region as, besides the proposed economic objectives, this had other objectives, as important as the first ones. Thus, in time, one of MERCOSUR purposes was “to shape the historical rivalry between Brazil and Argentina”, this could be also understood “as an expression of Brazilian ambitions to impose its hegemony over the neighbour states”<sup>25</sup>.

These regional organizations demonstrate that Latin America has its own experience regarding the cooperation inside the economic field, “gaining notable successes in the promotion of the free commerce in this area”<sup>26</sup>.

### 1.3. *Pacific Area*

Pacific Area is one of extreme importance, economically speaking, that has won a well-deserved place inside the world's economy. Thus, “The development centre of the Atlantic Ocean Area moves to the Pacific Ocean”<sup>27</sup>, that includes 11 countries: Japan, South Korea, Hong Kong, Taiwan, Singapore, Thailand, Malaysia, Indonesia, Philippines, Australia and New Zealand.

There is “an international agreement, more and more complete that, the 21<sup>st</sup>, century will be the century of Asia and Pacific area, a fact that led to an explosion of the interest towards this area”<sup>28</sup>. Thus,



the third region in the process of the constitution, but the most important one, as well, the region of the Pacific Basin, or of the Asiatic Pacific that includes the countries from Japan and North-East Korea to Indonesia, Thailand, Singapore and the South of China, “was the region with the fastest rhythm of improvement in the global economy”<sup>29</sup>, what caused, inevitably, the change of the gravitation centre of the economic world from the Western hemisphere to the Eastern one.

The Asian-Pacific regionalism has a few particular characteristics that make it completely different from other regionalism of the Western European area or from the North-American one. Thus, the South-East Asia differs from other regions for the fact that, inside this area, there is not a hegemonic state or a central alliance between major powers. Although this area concentrates, especially, on Japan and its business partners, the critics state that this “must assume a responsibility in commerce, finances and other fields, in concordance with its new economic power”, as Japan “cannot react only by adjusting its policies to the outside pressures”<sup>30</sup>.

Therefore, inside this region it is the most important regional institution, Asian Association of the Southeast Nations (ASEAN), that appeared as the result of the signing, at August, the 8th, 1967, of the preferential commercial commitments between Indonesia, Thailand, Philippines, Malaysia and Singapore. At the beginning, it “was created especially to fight against the extension of the communism in Asia and against the danger represented by Vietnam”<sup>31</sup>. At present, ASEAN includes: Philippines, Indonesia, Malaysia, Singapore, Thailand, Brunei, Vietnam, Cambodia, Laos and Myanmar.

Through the great “economic performances obtained by the ASEAN countries, the Asian and Pacific area has totally increased its contribution to the whole world commerce, becoming a main centre of the international economic activity”<sup>32</sup>. But, the most remarkable fact is that the commercial change inside the area developed even quicker than the ones in the rest of the world”<sup>33</sup>. This process of regionalism state meant the result of the internal economic development of the open and complementary state of the state economies in this area, “the spectacular economic increase of the emergent markets in East Asia “amazing the rest of the world”<sup>34</sup>.

ASEAN has as objective the cooperation of the member states inside Asia and Pacific region, that is based on the keeping and consolidation of the commitments for a free commerce, opened towards the whole world, just like the promotion of a permanent and multilateral cooperation. The development of this economic region produced changes in the context of the economic international exchanges, “the American commerce with the nations belonging to the Pacific area outran the Atlantic one and, since the half of the ‘70s, it expanded faster than the exchange with the rest of the world”<sup>35</sup>.

ASEAN is not the only one economic cooperation organization in the area yet. In 1989, as a result of the common reunion from Canberra of the Economy and Foreign Affairs Ministries of the twelve countries belonging to the Asia-Pacific area, the Asia-Pacific Economic Cooperation (APEC) appeared. Its members are: US, Canada, Japan, Australia, New Zealand, South Korea, Indonesia, Malaysia, Philippines, Singapore, Thailand and Brunei. The creation of the forum was an Australian initiative, supported closely by US, an initiative that aimed to “stop the Japanese attempts to dominate the commercial tides inside the Asian-Pacific area”, the initial purpose of APEC being “to manage the commercial interdependencies “in this area, “and to assure a powerful economic development”<sup>36</sup>.

### *1.4. Africa and the Middle East*

The “Third World States “from the African continent, eager to develop independently and to safeguard the unity, were inspired by the structure and the dependence theory. They “have prescribed autonomic ways, and in economic development cooperation and national building”, having the hope that their double ideal - the refusal of political alignment and the international attitude of the Third World - will characterize the new order of the world”<sup>37</sup>. So, the economic cooperation means, for the African continent, as well, an important factor of economic growth. This cooperation has not had the intensity of the European, American or African one.

In this region of the world, “the commercial liberalization followed a difficult trajectory, being unable to outrun certain tariff and nontariff barriers, the process affecting especially the least developed countries, emphasizing their economic



difficulties".<sup>38</sup> The subregional economic groups that were created in this area: the Economic Community of the West African States, the Economic Community of the Central Africa States, the Arab Maghreb Union have tried, by creating and consolidating their activity, to establish an economic growth in the states with many problems from this region. Owing to the failure in achieving the objectives, these were not observed in their activity. But, the most important are:

- Arab Maghreb Union - set up in 1958, during the Conference from Tangier, where participated the representatives of the most important political parties in Morocco, Algeria and Tunisia. The new conference that took place at Marrakech, at 15-17 February, 1989, made official the creation of the new regional cooperation organism of the member states: Libya, Tunisia, Algeria, Mauritania, Morocco.

- The Economic Community of the West African States – was created in 1975, with the purpose to continue a liberalization program of the commercial changes. In this sense, people elaborated a program to eliminate the tariff and nontariff barriers, just like the reconsidering of the creation objectives of an economic and monetary Union till 2005.

- The Organization of the Petroleum Exporting Countries (OPEC) – named also "the oil cartel", includes five foundation members: Saudi Arabia, Iraq, Iran, Kuwait and Venezuela. Although it appeared at 15 September 1960, "this organization of the petrol exporters will remain almost unknown up to 1973"<sup>39</sup>, when was the first petrol shock took place.

Thus, the different economic structure of the states implies significant interactions of each national economy to the world economy. Owing to this thing, the national economic systems, according to their development level, are more and more submitted to the effects and flows of the world's market and will reflect, in a growing measure, the structural changes of the world economy.

## **2. Strategic partnerships**

The economic interaction and interdependence between the world's states determines a concentrated coordination of the efforts for security. Characteristic to the present situation is the fact that," it was a change from the direct confrontation

between the great powers to the achievement of some partnerships"<sup>40</sup>, the main causes that determine the change from the confrontation to partnership being, first of all, determined by the economic and technological development, the huge discrepancies that are kept and keep on emphasizing representing powerful sources of instability and one of the main problems of the international society. Carrying out this problem could be possible, only by a strong collaboration of the states, and the partnerships represent one of the most important ways to attenuate the discrepancies these can produce. In this sense, it is worthy to mention some partnerships: Russia – EU, Russia – US, Russia – China.

### *2.1. Russia – EU Strategic Partnership*

"The problem of Russia – EU Strategic Partnership is essential for the reconfiguration of the European and Eurasian security environment"<sup>41</sup> The Soviet Union was an entity that tried to outrun the continental level, but it had a lamentable failure. "Russia is the direct heiress of the Soviet Union, but its present part is not that important, though at the economic level it keeps a notable regional or transregional part".<sup>42</sup> Russia will always be a bridge between Europe and Asia; it will absorb the European values, but it will develop a political and economic model of its own.

At its turn, "the European Union can be considered a pilot-station" due to "the economic, political and cultural advantages this organization offers, but also due to its contribution to keep peace and stability in the continent". In order to achieve and activate this partnership, more actions were undertaken, thus, lately, the relations between Russia and EU have been constantly developing, benefiting by the opportunities appeared and relying on the multiple complementarities and the potential that gets these two parts closer.

Both partners have important purposes in achieving the partnerships. The Russian interest in the partnership with EU refers – first of all – to the idea that, "the European relation is fundamental for the future strategic environment configuration of Eurasian security and the role of the Russian Federation and EU in relation to the Sino – Korean – Nippon".<sup>43</sup> At its turn, EU desires the development of this cooperation, not only for the special relation with Russia, but also for the rapid terrestrial access, through the huge space from East, in China, Central Asia, just like South-East



Asia, as well. In time, “this partnership can lead to the achievement of a strong Eurasian entity”.<sup>44</sup>

EU enlargement process determines the preparation for new strategies of the management of the security in the continent and beyond its frontiers. In this sense, “the necessity of energetic resources, without which its economic development would break down, gets it closer and closer to the petrol and natural gases in the East of the Black Sea”.<sup>45</sup> With the European investments and energetic resources from the Eastern partner, and by the constitution of a security environment, as well as an environment characterized by stability, this Eurasian space, “could become, in time, the most powerful pole of world power”.<sup>46</sup>

So, “absolutely inferior, economically speaking, to EU, but obviously superior as a military power, Moscow hopes to put into service a complex partnership, able to turn the possible ‘EU – Russian Federation relation’ into a global actor comparable to US”.<sup>47</sup>

### 2.2. China – Russia Strategic Partnership

The strategic partnership relations between these two giants have a great importance for the security environment inside the extreme East, Asia, and Asia-Pacific area, as well. The influence of these areas doesn't stop here, having the possibility to state with certitude that this partnership has implications on the security environment all over the world.

Regarding China, with its security strategy, “the first place is taken by the economic strategy”.<sup>48</sup> China desires the achievement of a unity of the huge space between its frontiers, characterized by the overpopulated areas, minorities and traditions from thousands of years, a space that cannot be unified, protected and conquered, but by having a long-term economic strategy.

At its turn, Russia, through “*energetic strategy* (...) developed with the help of the firms where “the Russian state is the major shareholder” and targeting the massive participation and possible control of the energetic resources and of the infrastructure bound to these, went on acting omnidirectionally towards West and Central Europe, Japan, China”.<sup>49</sup>

The growth of the prices “of the energetic resources during the last years went to the slowing down of the internal economic reforms, the repeated refusal of Moscow authorities to let

free the energetic market”<sup>50</sup>, maintaining in this manner the economic dependence on the energetic exports.

In order to make this partnership work, the two partners are decided to offer mutual respect, equal treatment, and consolidation of the political trust, as well as the mutual respect of the position, of the internal and external policy regarding the state sovereignty and the territorial integrity.

### 2.3. India – US Strategic Partnership

In order to consolidate their position of *rimland*, the damming up and the control of the disturbing lobby and the creation of some favourable conditions to the stability and security of this huge space”<sup>51</sup>, US is directly interested in a partnership with India. At its turn, India, that, in spite of the fact it continues strengthening actions of the relations with Russia,” desires to expand the access to the high technology – trying to welcome a “thaw” from US”.<sup>52</sup> In this sense, at 21<sup>st</sup> of September, 2004, there was signed the ending of the first phase of the dialogue regarding the strategic partnership between these two states, India and US.

Regarding US, this has already reduced “the restrictions of the high-tech equipments and the technologies for the nuclear civil and spatial programs”.<sup>53</sup>

Consolidating a partnership with US, but also strengthening the existing partnership with Russia, “India could become a pivot – country for *rimland*”<sup>54</sup>, by consolidating the position “of emergent power inside the Asian space, giving the contribution to the construction of a stable security environment in South Asia and all over the continent”<sup>55</sup>. This thing derives from the fact that, in the end, India represents the most important country from the South-Asia, its stability being essential, not only for the security of the area, but also for balancing the Asian strategic situation, the Pacific area, and the Indian Ocean.

### 2.4. Russia – US Partnership

Russia – US partnership has a great importance regarding the favourable global effects. Certainly, this form of cooperation represents the end of the Cold War and the metamorphosis of the confrontation strategies, by replacing them with collaboration strategies.

The US presence inside the Black Sea and the Caspian Sea area is economical. The American



fund invested into these areas is great, and, due to that, the expectations are also great, being possible for the US to include the energetic development strategy into the transatlantic dialogue. The physical neighbourhood of the military bases to the Eastern giant could afflict the steadiness in this region, and for this reason Russia – US partnership, “means but one of the solution to provide the security within the area”<sup>56</sup>, but, the most important one for the moment.

The Russian – American collaboration objectives are complex and numerous. First of all, it is the energetic resources collaboration, where “US and the Russian Federation are searching for new ways to assure their energetic security, including the strategic collaboration, to manage these resources”<sup>57</sup>. In this sense, “Russia and US have been in favourable and effective partnership”<sup>58</sup>. Russia has important oil reserves, and US wants the get access to other supply sources, as well, with strategic resources, others than from the OPEC countries. For that purpose, at Sankt Petersburg, at June, 1<sup>st</sup>, 2003, it was initiated “the most concrete expression of Russia – United States strategic partnership meaning, *the energetic field*”<sup>59</sup>: the Murmansk project. This one consists in building a pipe to transport the oil from the West of Siberia to Murmansk, and, from here, with the help of the oil tankers, to US. This project costs 4 billion dollars and will determine a final reduction of the American dependence on the Middle East oil. Besides the cooperation between these two states on energetic resources field, Russia wishes a cooperation inside the high technologies, as well, and US, on its turn, on international terrorism.

In the actual international environment, the impossibility of the states to assure by themselves the security, determined the partnerships to become a sure way to achieve the world's stability. Thus, the cooperation between the states, materialized “into an harmonization formula of the interests and the prevention of the major conflicts between actors, between the cores around which are built or rebuilt the power centres US, EU, Russia, China, Japan, India, Arabic World”<sup>60</sup>.

### 2.5. World Bank Country Partnership Strategy with Romania

In October, 14<sup>th</sup>, 2005, there was finalised the Country Partnership Strategy for Romania (CPS). The debates for such a partnership were initiated in

February 2005, at Snagov, and the document was at a short time sent to the Romanian Government.

The main points of the partnership agreement between the Romanian Government and the World Bank are the following:

The main objective of this partnership is the support given to Romania in order to consolidate the competitive activity and the human and institutional capacity to assure some profits from being a member of EU and to absorb, efficiently, the structural and cohesion funds from the European Union<sup>61</sup>.

It was established that, with the help of CPS, till 2009, the World Bank supports the end of the institutional and governing reform and the development key-objectives of the country for the most important fields: agriculture and rural development, education, health, infrastructure, environment protection and competitiveness.

It was established that the support given by the Bank to be based on implementing the European Union's agenda, including the continuous development of the social sectors according to the Adhesion Common Memorandum to the European Union.

Taking into account the economic progress achieved in Romania and the rhythm of the present reforms, as well, CPS has a flexible frame that will allow Romania to have at its disposal a number of instruments offered by the Bank and by other partners for the development. Moreover, CPS also includes a flexible program to sustain finances, a program that will be used each year on the base of the mutual consultations.

The Bank's support program was evaluated for 2006 and 2007 at about 500 million euros per year, the accent hinting at the consolidation of the legal system reforms, the efficiency of the collecting and managing incomes for the state budget, the improvement of the European Union funds absorption capacity and the objectives in public expenses, the inclusion of the Communitarian Agricultural Policies and the social inclusion aiming at the disadvantaged communities.

Romania will benefit of the flexibility in widening the assistance area from the Bank and will get more and more finance amounts if needed or whether the cofinancing plans will demand it.

Economy represents the support of the present economic, technologic and informational civilization. It also means a complex system of



generating and regenerating potential resources complex and into a process that regenerates itself, as it represents the living and surviving way of people inside the environment where they have created their own human nature, of economic, financial, cultural and military type.

Economy generates economic security, a permanent one, systemic, always and in the same time, it beneficiates of the economic security, in its quality of the economic functions and structures security.

The economic security exerts not only as economic structures security, but also as the security of the individuals, family, community, public and private institutions of the state, alliances, and coalitions, of the environment and the whole world. This type of security consists in assuring the living, surviving and prosperity conditions of the people and their institutions.

The economic security is an effect of the economic power. This economic power tends to get out of the state domination sphere, to act at a global level and, in this manner, as a rule, as an intention, inside the network, the people security and the human communities.

The economic dimension of security is essential, no matter the political and social systems, and it always assures consistency to the political, social, national and international entities. Economy is continuous and constant regarding the security resources intrinsic factors and variable regarding its assignment on states, geographical areas and professional and social categories.

The economic dimension of security is, in the same time, a strengthening factor of the military power, not only economic and financial, but also informational and technological. A powerful, stable, stabilized and well-structured economy assures all the conditions for the development of a remarkable military potential, by sustaining an adequate armament industry, one of the defence infrastructures and necessary finances.

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# WORLD'S STABILITY SAILING AMONG STRATEGIES

*Nicolae DOLGHIN, PhD*

*In a world of nonlinearities, Noam Chomsky shows us how vulnerable, after all, the great strategic decisions are. Just because they target large parts of the world and they are sustained in large periods of time.*

*The end of bipolarity was a triumph of the Western's great strategy, but also the fall of the world order established in Potsdam, in 1945. But it was not followed by tools able to manage the new situation, it failed to bring order in a more and more chaotic but covered by globalisation world. The Western great strategy begins to feel the burden of interests' diversity of its actors. China opposes a philosophy checked out in thousands of years, Russia moves the competition in the hydrocarbons plan, but the international institutions, excepting UN, are the same ones which managed bipolarity.*

*Keywords: stability, strategies, West, China, Russia, Richard Nixon.*

In 2003, Noam Chomsky published the book **"Hegemony or Survival. America's Quest for Global Dominance"**, another title added to his impressive list of books. The author, a known scholar, associated in public perception with left trends of American political thought, has been labelled, in some public polls, as the intellectual of 2005 and in 2006 he has been the sixth on a list of "heroes of our times". The distinguished intellectual revealed many hidden details of political decisions, reminding us some problems belonging to the morality and feeding the suspicions that double standards are used in international politics. But, apart from these and also in connection to them, he suggests us a reality of decision-making and that is the vulnerabilities always appear later, outside the planners' horizons. Indirectly, he introduces us in some realities of great strategies as highest political decisions and as dynamics of power relations.

First of them could be that **great strategy aims to shape the world** instead of reacting to its various turbulences. This shaping role is a supreme

demonstration of power, of the option for selective, adequate and efficient use of all components of power. It could also be a demonstration of total synergy created using appropriate policies in order to impose will.

In order to obtain the shaping effects, great strategy establishes goals, policies, but especially allocates long term resources. Thus one enters a vicious circle. The initial resources, allocated to achieve goals and to sustain policies, in time, involve other resources, to add to previous ones and slowly lead to the point of no return. Modifying goals in order to solve the situation could mean failure, with all its political consequences, that creators of great strategies are not ready to assume. This way leads to inertia, constantly fed by the resource succession.

The second is that within the great strategies **there is no place for improvising**. Sooner or later, the improvisations bring about vulnerabilities that take their toll. Improvisations, at their turn, feed this inertia, causes delay in policies' adaptation to the real environment. But the worst, improvising causes a lack of balance among the political, economical and military dimensions of great strategies, thus affecting the finalities.

The Cold War was a race between two great strategies. The winner was the one which obtained the ideal balance of dimensions, the Western great strategy, based on its political and economical values and did not use improvisations. The Soviets tried to build one based on military dimension and ideology, neglecting competitive economy that was unable to sustain the military effort for long time and did not offer arguments for ideology anymore.

Finally, the third one seems to be that great strategy, once put in place, **could be adapted only in certain limits**. The containment policy, that could be one of the main course of action of the great strategy carried on by the United States and their allies against USSR, was based on exploiting



a circumstance the enemy himself offered, the total self-isolation. The communist strategy was to withdraw within the values ideology gave, mechanically inserted in all aspects of society. China was the first to realize it, who left the Cultural Revolution behind and quickly went to economic openness with similar rules to market economy, obtaining incredible performance, offering diverse ways for the future. Today, due to this, China is considered the next superpower. The USSR tried to find a way out of the isolation not through profound political and economical changes, but by giving up ideology. It was already too late and did not survive the energies unleashed. But containment can not be efficient today because no important political actor wishes self-isolation.

The end of the bipolar race of great strategies was followed by an oddly enough situation. Everybody, not only the West, considered itself the winner. Probably due to many reasons and we could remind the most usual in those times: the Western World freed itself from a serious threat and accepted to go easy on the sensitivity of a Moscow hurt, but ready to cooperate and which took part actively or at least did not interfere with the end of the Cold War; the deep crisis of Russian society seemingly difficult to overpass which in itself represented a risk to global security; the self-identification processes from the ex-Soviet and it was not wise to disturb them, etc. When today's Europe resembles so little the one two decades ago, we are witnessing curious inertia, with the messages reminding public opinion episodes from the Cold War. On one hand, Russia has an aggressive rhetoric in sensitive matters for West, on the other, the West, in its successful wave, tries to regain the old unity using this aggressiveness.

### **The globalization as a strategies' diluent**

The dynamism of the security environment today, the new characteristics imposed by the globalization to the phenomena which shapes it lead to depreciation of great strategies, at least in the public opinion. But politicians, that mean those ones who elaborate great strategies, pay close attention to the public opinion reactions because the voters are more sensitive to the problems closer to them than to the generous finalities of great strategies, especially during the decisive periods of elections. That is why politicians are tempted

to give strategic dimensions to minor episodes. It seems natural, since it is a political reaction to the concerns of social communities in front of a new type of risks, less violent but with lasting effects. It also seems unnatural, because it generates doubts over the finality of the strategy. Therefore today, the fields with direct influence on the strategies of national security and defence politics are not by accident put through a thorough public analysis.

For the first time, after many centuries, the role of the state, as an actor on the international environment, diminishes in the global stability shaping. De-estatization of the economy, as an opportunity for economical revitalization, rapidly moved on the political and social fields, affecting the state's institution. Among many non-state actors, the state seems not to have a place. All the international organizations, global, continental or regional are built to protect the state. But neither ONU could save Soviet state from implosion nor does NATO have tools to save Belgian state from its today's deep crisis. The Kosovo case could be a precedent for future global destabilizations provoked by using global measures for local situations. Globalization generates a new type of threats and, for their management, state has no more resources and international organizations have no more tools. It is not accidental, the civilization problems have today much more explosive than the most lethal bomb, the oil price threatens more than troop's movements and terrorism calls of the nuclear deterrence.

In a security environment where the interdependencies deepen, globalization brings into life surprising conditions for getting closer the differences. Even the actors lacking, at the first glance, the efficient tools find arguments to be involved in the international relations trends making the strategies more complicated. At the same time, the windows opened for non-state actors, from multinational companies to terrorist networks, simultaneously wits new senses for concepts as independency and sovereignty, once out of debates, generates confusions on the values to be followed.

Globalization no longer allows the majestic solitude of foreign, economical and defence policies with their distinct strategies, away from security strategies.

The latter become dominant and, in a world of global scale interdependencies, there are inevitable



suspicious that multidimensional approaches, characteristic for security policies, also aim other purposes than stabilization only.

Therefore, security strategies themselves could be subject to these suspicions, since the risk of being seen as “*a package of war preparation and war related, financial, economic, military, and industry war related policies*”<sup>1</sup>. Under these circumstances, and in the prospect of possible hostile reactions, the strategy making process becomes difficult from its first moment, that one of **problem identification** as a starting point for policies and for future ways of action. Thus, a strategic approach become the art of harmonizing interdependencies and, as any other art, comes with its symbols, values, metaphors, and ways of expressing, abundantly used in the polyphony of informational competitions which go with every episode.

Today there are no declared interstate hostilities to be maintained by structured ideologies that could threaten regional stability, societies are not yet divided into military alliances with opposing objectives, and the values of market economy arrive even in countries where the communist ideology is dominant. A direct clash between great powers is not likely to happen, but an explosive violence divided between much state and non-state actors, more or less declared, we can see in a seemingly chaotic environment. Actions and reactions are dominated by asymmetry. The world is like a crowded and foggy highway with the infrastructure yet to be finished, on which every driver tries to make as much as he can of the advantages offered by the engine and the equipment of his car, the fuel, driving experience, opportunities, etc.

How did we get from the two decades ago optimism to the today's chaos? The explanation probably resides in the lack of the international order called “*...to combine the attributes of the historic balance-of-power systems with global democratic opinion and the exploding technology of the contemporary period.*”<sup>2</sup> Such an order could be available through reconciliations and recognitions of national interests, since power remains a major element of international relations but becomes dimmer as times goes by.

The end of the Cold War meant, among others, the deconstruction of the post-World War II order, in the framework of which there have been established the collective responsibilities in

shaping the system of international relations, in a world out of a devastating war. The strategic competition between the two major actors of bipolarity was built on the system established in Potsdam in 1945. Also, the vector which would carry it was established – the nuclear one. The Soviet geopolitical architecture eliminated itself from the world system, but the institutions that managed international order, to which the USSR contributed, remained. Other, born out from new realities and replacing the existing ones did not appear yet and it is hard to suppose they will be created soon. Therefore, the same institutions which managed the Cold War or that were born out to diminish its threat, have today to take global responsibilities in a real world, totally different and to which they have to adapt continuously. It is highly possible they will also be the pillars of the future world's order. It would be unique in recent world's history and also the real triumph of the values that destructed bipolarity. The UN is the best placed for this matter. Its Charta was signed in June 1945, before the beginning of the Cold War and therefore it is not governed by its philosophy. It offers instruments for the administration of many peace and stability problems. This is demonstrated by the unprecedented post-bipolar dynamics of peace operations in a world without curtains. Directly, none of the political actors speaks against the stipulations of the Charta. The only demand is the UN's adaptation to the new world's realities.

The post-bipolar period, which accelerated the globalization, is ruled by two strategies with shaping roles, which we could call great strategies. The first, with tradition and victories on its part, is that one of the US and their allies, the second belongs to a single actor – China. The competition, more silent than that of the Cold War, is, for now, without the nuclear component, but already gives a glimpse of the cosmic one. It is also deeper, since it is generated by different cultural philosophies, in which political values are governed by polysemy.

### The great strategy of the West...

... is carried out by spreading freedom and democracy all over the world, considering them the generator of solutions for economic and social problems much more closer to human communities. In one aspect, this strategy works from the top, from the elites called to gather the



individuals around some values. It was efficient in Europe, where values are shared equally by all, freedom, democracy and tolerance had already been known and fuelled hopes. But in the extra-European spaces, problems occurred. The most acute ones manifest themselves in the areas of vital importance to the West – the Muslim world which owns most of the world's energy resources.

The excessive use of hard elements by the Western strategy in this world, in comparison with other areas, deepened the Muslim public perception that it is a victim of the implementation of alien values but also brought about differences in the position of the main followers of this strategy. The most obvious ones manifest themselves around the main politically-military alliance of the West and of the world, NATO, whose recent history deepest crisis, around Irak, "... was provoked not by the lack of military collective power but by the fundamental political divergences in using it".<sup>3</sup> And recently, the US Defense Secretary declared, without diplomatic subtleties, that NATO forces do not know how to combat a guerrilla insurgency<sup>4</sup>, hinting to the old problem, the gaps in commitment between US and their NATO allies. Even the American public opinion punished the hard excesses. In a Gallup pole, dated October 2007, to the question *Which country do you consider to be the greatest threat to stability in the world?* 8% of respondents, American citizens, indicated on the 5<sup>th</sup> position the US, after Iran, China, South/North Korea and Irak<sup>5</sup>. The Afghan and Iraqi conflicts, where the world's military elite is involved, the summer war in Lebanon, where one of the most efficient world's armed forces, the Israeli one, was engaged, also stress the corrodation of the discouraging function usually identified with military potential. Military potential does not frighten anymore. The world's most expensive armies were lured into operations with no visible end and were told off with relatively simple and cheap means, used with cynicism and hardness.

By assuming global responsibilities, as a way of action in propagating its values, the great Western strategy needs more and more participants and spaces for action. And if, in short term, this means a continuous process of generation and regeneration, on long term it means a corrosive emphasis on the dependence of its generous finalities on particular interests of authors or groups of authors. At a conference, in front of Harvard

students, Mihail Gorbaciov noted this tendency, when saying that today, with rare exceptions, all states desired a partnership with the US, but few want to follow the ship wake of their policies<sup>6</sup>. This is the consequence of that particularity of new international order pointed out by Henry Kissinger when saying "... for the first time, the United States can neither withdraw from the world nor dominate it."<sup>7</sup>

In the absence of the predictable challenge that was once the Soviet danger and which fuelled the Western unity, the great strategy floundered in the events of Afghanistan and Iraq, which seem to be endless. Probably because some of its actors prefer to re-direct resources to other goals. The unilateral declaration of independence for Kosovo, territory belonging to an UN member state, would provoke new and deeper difficulties for great West strategy. The action is perceived as its result and makes actual many of the Noam Chomsky's remarks. Even among the great strategy actors different positions appeared. These reflect either national worries for a political situation internationally solved or doubts on the efficiency of used means, their legality and usefulness for the world's security and at last on the institutions' competence versus international law. The moment could be a turning one.

At the same time, from the ex-Soviet space, Russia rises a challenge - the energetic one – to which the West can not give a coherent answer, but, more importantly, it is not prepared to answer militarily, even if it is a security challenge. The situation only emphasizes the geopolitical and geostrategical curiosities of post-bipolarity, provoked by massive and voluntary withdrawal from the competition, at the beginning of the '80s, of the Soviet actor, confronted with a deep economical crisis but still a nuclear and conventional superpower. Seldom in the history a great power withdrew without extrapolating its internal crisis abroad. The surprise of giving up competition was so strong that the political planners of the great Western strategy could not believe an unique chance appeared for a new great strategy, instead of inertial following parts of the old one. Back then, the unique chance was the possibility to create fast and to turn into operational a new great strategy, which was to include all the actors of the ex-Soviet space. Who could say today for sure that the impulse the fall of the Berlin wall gave to the great Western strategy will be lasting for a



long time, using the same reasons, such as the war against terrorism, the spread of democracy and freedom or the management of the globalization, so rich in meanings, in the lack of so concrete danger as Soviet was?

### China's great strategy

It goes according to the Confucian spirit of harmony, transformed into ideology. It is the philosophy that gave the Chinese state one of the longest and most continuous existence in the history.

In a country with the population of a continent, China first proved its great strategy internally, where a strict political control assuring stability and a socialist market economy were carried out and both permitted the dynamization of its huge human resources. The economic growths were spectacular, giving an unprecedented rise of GDP. The goal is that by, 2020, the socialist market economy to become mature, in order to assure its social stability. In almost three decades, China transformed itself in a heaven for foreign investments and, in its turn, became an important investor, including the US economy. Using all forms of attracting investments, China achieved unique results in using the foreign capital. Between 1969 and 2005, the foreign capital used in China was of 809,2 billion \$<sup>8</sup>, and in 2006 its investments in more than 160 world areas had gone up to 73,33 billion \$<sup>9</sup>. Nobody longer doubts China's possibilities to influence world's finances and economy.

The economical development brought China to be the second great consumer of world's energy resources. Its weight in the world is approximately 10%. To maintain stability it is forced to keep up this economic growth rhythm. The need for resource will go up exponentially. That is why the Chinese state started using its strategy abroad. It acts on its own, free from the rigors of treaties generating alliances, but assuming responsibilities in the framework of coalitions. Its own example in attaining harmony is the axiological system behind its strategy.

A unique case in world geopolitics, China is considered a future superpower, without the victory in a war pushing it to this position. Moreover, the last military conflict China was involved in, that one with Vietnam, in the '70s, was a defeat. For

now, its economical and financial initiatives have a bigger impact on world's security and stability than the military ones.

The models China proposes are about the economical development without the self-induced conditionings triggered by political rigors. That makes them attractive everywhere in the world. The lack of the "hard" elements among the means of promoting keeps the great strategy safe from similar reactions of other actors and attracts partners which prefer to keep away from military competitions. Thus, it was not difficult for China to enter regions like Central Asia and Africa, both rich in resources. Last year, at the Forum on Central Asia-Africa Cooperation, which took place in Beijing, there were 48 African heads of state and government. In the final statement, the wish to establish "*a new kind of strategic partnership*" between China and Africa was clearly expressed<sup>10</sup>. International law does not have a lot of documents to establish partnership between a state and a continent. Probably today's African hot points prefigure future clashes between the two expanding strategies.

### Russia's little strategy

In its wish to see the world multi-polar, Russia demonstrates how a strategy can be built using big scale maps, where distances are short, while the details lacking on small scale maps are abundant. Probably inspired by the Chinese example, based on the political stability and market economy and without caring about the subtleties of an ideology, President Vladimir Putin's Russia started its way, looking for the lost time, having some major assets: geography, the permanent membership of UN Security Council and its nuclear military potential.

Russia's geography was the one which inspired many of the classical schools of geopolitics. Its position in the Northern hemisphere and in the Euro-Asian space, between and in close proximity to the main power centres, generates the perception of a permanent shadow of its presence in geopolitical games of the world. Geography also made insecurity feeling permanent in the Russian security thinking. The dimension of its territory leads to a seldom encountered diversity of security problems. Few of the risks and threats in the West part of the country are similar to those



ones in the East or the South. That calls for specific solutions and also gives it a unique experience in their management. The energy resources Russia has been using, in the last years, as a vector of its little strategy, elements of geography. It is likely to transform water or food into vectors. Evidently, to rely excessively on resources offered by geography in the competition with great strategies, without proper economical, technological and financial backup, could be the best ingredient of a spectacular fall. Russia, the world's 8<sup>th</sup> economy, can not compete in these matters with any of the main actors of great strategies.

As a UN member, with veto right in the Security Council, it is present in the great decisions about world's peace and stability and nuclear potential guarantees the territorial integrity and even more, an exclusive plan of relations with USA.

Russia does not offer an ideological model; it just says that the Western model cannot be the standard for the entire world. Making hydrocarbons – such important merchandise for the development and prosperity – the instrument of its little strategy, it placed a commercial activity in the field of geopolitics and security. By controlling on the network of pipelines in a great part of the Northern hemisphere, by sustaining Iran and its own positions in the Middle East and the Balkans, the small Russian strategy is now competing with the great strategies, in the field of energy resources, that have been dominating world geopolitics for over 30 years. It is Russia's answer to the presence of the US-led coalition in the Gulf.

Using the Chinese experience in this competition, Russia has not yet used the hard elements, so corrosive once for the USSR and today for the great strategy of the West, but results are noticeable and contradictory.

On one hand, in the last report presented in front of the Congress, US secret services have considered Russia a threat equal to Al-Qaida, an excessiveness not used for many years in relation to Moscow, probably trying to make it take hard actions and heading into a zone that the US knows best how to manage, the one of a self-devourer arms race. On the other hand, after the speech of President Putin, in Munich, in February 2007, the foreign investments, mostly Western, have doubled in Russia, as compared to 2006, reaching 84,3 billion \$, according to the Central Bank of Russia<sup>11</sup>, and at the same conference in Bavaria,

but in 2008, the German Foreign Affairs minister declared that “...we will achieve more if Russia is in the same boat with us.”<sup>12</sup>

Focusing on controlling the transport networks in the ex-Soviet space and outside, the small Russian strategy makes the states situated between the sources of hydrocarbons and the great consumers to articulate their own strategic games, finding unexpected opportunities. It is easily noticeable in the case of Poland or Ukraine, which wish to maintain or to consolidate the positions held now, or Turkey, Bulgaria, Serbia, Greece which try to reach advantageous positions and not to lose palpable opportunities. Even OPEC states act in this direction. Having the monopole on the natural gas' prices, Moscow gives today the lesson it had to learn in the 80s, when the worldwide oil price was maintained around 10\$/baril, for about a decade, that determined the economic clash of USSR. The oil price started to increase only after its disappearance.

The small strategy offers complementary elements whose advantages can not be ignored by the great strategies in their own competition. They will be forced to adapt to this new geopolitical and soon geostrategic reality. This way, Russia could obtain the so-needed stability. A simple mathematical calculus demonstrates that, since the world oil consumption is growing faster than the extraction, it is hard to believe the great consumers will ever be able to have the wished energy independence. Interdependencies will become more subtle and will be about strengthening stability.

Russia is considered a provider, but, as time goes by, it becomes a consumer, and, as all others, it is interested in cheap hydrocarbons. The price to extract your own hydrocarbons is higher than in Iraq, Iran or Central Asia and that is why it is so tempting for Russia to be there. So that the great consumers will pursuit both the energetic balance on the Eurasian market and keeping Russia as far as one can from the fields of hydrocarbons in other parts of the world.

I do not think so far off the re-editing of the Washington-Beijing- Moscow triangle that dominated the end of bipolarity long after the retirement of its constructor, President Richard Nixon. It would be one of the effects of globalization and a new challenge for world security and stability.



### NOTES:

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# EU FOREIGN AND ENERGY SECURITY POLICY IN THE WIDER BLACK SEA – CASPIAN REGION AND UKRAINE

*Alexander GONCHARENKO, PhD*

*The European Security landscape is under the process of fundamental realignments and drastic transformations – most radical since the end of the Cold War. The end of the 33 years long “de Gaulle’s era” in Europe triggered the avalanche of new threats, challenges and opportunities. The revival of reincarnated Germany as a new and ambitious global power today become quite obvious and France, that was traditionally in charge in Europe during the last decades, have neither economic, demographic nor political resources for continuation of European leadership and further “containment” of Germany.*

*Enlarged with new CEE countries, EU now progressively loses its “anti-Americanism”. Poland and the Baltic States persistently oppose to residuals of Willy Brandt’s or Schroeder’s Ostpolitik and categorically reject the policy of “Russia’s appeasement”. Other CEE countries mainly support American leadership and American ballistic missile defence program. Even Finland and Sweden – traditionally neutral states - unexpectedly announced that they will join NATO’s rapid reaction force and they are ready to participate in other NATO activities apparently as a first steps to the full-fledged Alliance membership.*

*Traditional Gaullist paradigm of “Great France” is dead and much more “pro-American” Sarkozy, made quite clear that he will not support the “specific” Jacques Chirac type relations with Russia, demonstrating a little interest in France having a leading role in global affairs, stressing out instead the pressing internal problems.*

*Under the leadership of Angela Merkel, Germany also entered a new phase in the relations with Russia. Mrs. Merkel has all the chances to become the most effective European leader of the post-Cold War period.*

*But some serious problems could potentially break the new ambitious course of Germany in*

*foreign and energy security policy. According to the German party alliance practice, the conservative Chancellor Angela Merkel has been forced to deliver control over the German foreign policy to the Social-Democrats nominee Frank-Walter Steinmeier, the former chief of staff of the Chancellor Schroeder, who is now on Putin’s payroll as the executive chairman of Nord Stream. Mr. Steinmeier, well-known for his pro-Russian orientations, was recently “awarded” with active support of Mr. Schroeder and his KGB origin partners with a very “perspective” parliamentary constituency. This move potentially allows him to challenge Angela Merkel on the next parliamentary election.*

*Thus multi-vectored foreign and security policy is not a unique Ukrainian invention and internal Germany party games between pro-American and pro-Russian camps could directly influence the future security landscape of Europe.*

*Keywords: Black Sea, Caspian Region, EU Neighbourhood Policy, Ukraine.*

## **Black Sea – Caspian Region: EU Neighbourhood Policy and Energy Security Strategy**

There two major European/Euro-Atlantic players in the BSCR – NATO and EU. In the last years, NATO and USA in particular persistently tried to play a more active role in the region, in spite of all counteractions and opposition from Russia and paradoxically Turkey. The necessity to elaborate a new global agenda for NATO activities is obvious, and the Wider Black Sea should play in this agenda a very important role, having the long term goal to transform the Black Sea into an internal sea of the Alliance. The question is how this agenda will correspond to the international law and the provisions of the Washington Treaty.



The nowadays security situation in Europe, especially in the vast “gray zone” on the borders of NATO and EU, as a whole is very disturbing, inconsistent and controversial. It is better to say that EU, for the time being, has no strategy for the region. The problems with the EU Constitution have only increased this controversy.

It is real *fata morgana* for all including bureaucracy in Brussels. And if almost 30 years of bureaucratic procrastinations toward Turkey’s membership in EU could be partly explained by civilization differences, the case with Ukraine and Moldova is simply ridiculous. We do not want to say here that the CEE countries like Ukraine or Moldova should be immediately invited to join EU, but at least the reasonable road map for the future should be clearly uncharted and articulated. Instead, Ukraine has been denied for years even the European style associated membership status.

The status of neighbourhood invented by the Gaullist France to its former colonies in Africa under any circumstances could be considered as adequate for the European country. Especially if through this country more than 80% (!) of 150 Bln. cubic meters (bcm) of gas is transported annually to 22 European countries. It is important to stress out that neither Shah Deniz (Azerbaijani - Caspian line - 11,5 bcm), nor Greenstream (Libian line - 9 bcm) nor Galsi and Medgaz Algerian line - 15-18 bcm) nor even potentially perspective Ormen Lange Norwegian gas field will not change drastically this tendency in the years to come, especially if the Nord Stream will be built.

The current EU Energy policy documents are clearly overoptimistic and underestimate the forthcoming threats.

The fact that in 2006/2007 the blackmail of Ukraine, Belarus, some other CEE countries and recent scandal over artificially created 2bln USD gas debt of Ukraine should be a very important signal to Europe. Growing the monopoly of Kremlin on gas supply to EU and consolidated control over gas transportation systems of Belarus, Ukraine and other transit countries will allow Russia to dictate not only gas prices but a lot of other much more sensitive issues, transforming energy policy into the powerful geopolitical weapon.

This is only part of Russia’s master plan for the future.

The speech held by Mr. Putin in Munich shocked many Western analysts and political

leaders and marked the turning point in the Russia’s modern history. Russia first time openly declared its growing geopolitical ambitions inside FSU and abroad. The dead end situation in Iraq, sharp raise of oil and gas prices and little success of US attempts to install its domination on the periphery of FSU - in the Caspian - Black Sea region and Central Asia - open Russia a new window of opportunities.

*It seems that some West European countries not only now realize that current short-sighted EU policy of appeasement of Russia could very easily lead to the same results as the policy of the appeasement of Nazi Germany before the WWII.*

To understand Russia’s Energy expansion policy one should start with the very interesting document: “The Energy Strategy of Russia up to the year 2030” officially approved in 2003. This document clearly proclaimed “that the export of hydrocarbons is the key factor that will determine the economic and political future of Russia in the world community... The ultimate priority of Russia is to consolidate its presence on the internal markets of neighbouring states, to receive control over strategic energy infrastructures”, in other words to create the *new Energy Empire* under the control of Kremlin.

Since then, all the major policy moves of Moscow, in energy and geopolitical areas, are only fragments and components of this master plan.

2003 – the blockade and “drying” the Latvian pipeline and oil terminal in Ventspils.

2004 – the scandal around “Orlen Affair” in Poland – attempts of Russia’s special services to install control over Polish oil-processing industry.

2005 – Baltic Sea pipeline and “chancellor Schroeder” affair. The installation of full control over Belarus’ part of strategic pipeline “Yamal-Europe”; attempts to reconsider gas prices for Bulgaria, Georgia, Moldova, Romania, Turkey, Ukraine.

2006 – corruption scandal over Russia’s attempts to buy 49% of Slovakia oil-transportation system; new Russia’s sponsored Transbalkan pipeline Burgas-Alexandropolis; persistent attempts to revive the idea of Ukraine – Russia Gas Consortium (under full de-facto Russian domination); growing pressure of Putin’s Administration on Shell to install Gasprom co-ownership over huge \$20 bln Sakhalin II project.

2007 – Ukraine’s blackmail and artificially created 2bln USD gas debt presented on the second



day after the democratic forces won the 2007 parliamentary election. Numerous evidences, summarized in the report of NATO counsellors showed that Russia tries to build a new powerful cartel of oil producer countries together with Algiers, Qatar, some Central Asia countries and possibly Iran.

But the key goal and Golden Jackpot of this Russian Energy Roulette, in which EU so easily agreed to play is Ukraine's gas transportation system, the biggest in the world, with unique natural gas storages that are absolutely necessary to stabilize the functioning of the whole European gas supply mechanisms for the years to come. May we remind that president Reagan bitterly opposed the whole idea of building this Soviet Russia's control gas transportation system to Europe.

The control over this system, together with 1/3 of the world gas reserves, undoubtedly will guarantee "Russia's return to the greatness", as many analysts stressed out. And this is not a "chaotic process", but thoughtfully elaborated and systematically implemented strategy. The roots of this strategy and the whole idea of using energy as a new Russia geopolitical weapon can be found in Mr. Putin's Ph.D. dissertation, from the Mining Institute, St. Petersburg.

The major strategic mistake of the West, after the Cold War, was the lost of Belarus. In early '90s, Belarus did have the democratic government, desperately tried to return to Europe, but has been rejected by Europe and West as a whole. Now West enjoys very special relations with President Lukachenko and his entourage. This situation is repeating now in Ukraine with much more serious consequences.

Russia, having learnt its lessons from the Orange Revolution and recent democratic election in Ukraine, started to work very professionally and effectively. The artificially created oil and gas crises in Ukraine could be a good example. Ukraine is a key element of a new Russia's great power strategy. Without Ukraine, any attempts to expand Russian power on FSU and beyond will be meaningless.

Let us remind the prophetic words of Zbigniew Brzezinski, who said that without Ukraine Russia ceased to be an Empire, with Ukraine absorbed and subordinated Russia automatically will become the new Empire. Look like it is exactly what Europe risks to receive in a- not- so- distant future.

### **Some remarks about possible EU energy security strategy in the region**

1. The main problem of EU energy security derives from the chronic ill practice of certain EU countries (first of all Germany, France, Italy) to solve the energy problems on the bilateral basis with Russia and this approach only increase the monopoly status of Moscow. "Divide and rule" technique is well-known to Russia and Moscow used it for centuries very effectively, now on post-soviet and not only in the post-soviet space. So, the coordinated implementation of comprehensive EU common energy security strategy to ensure the direct access to the alternative to Russia's control gas and oil fields and installing national or EU / not Russian / control over the energy transportation systems in the CEE should be recognized as a principal security priority to Europe.

2. The best possible EU response to the current Kremlin's attempts to use energy and resources in general as a geopolitical weapon will be Joint Euro-Atlantic Approach to energy and regional security with active participation of NATO and US in the framework of consolidated strategic answer of the West to new threats and challenges from Russia, reasserting itself as a great power.

3. Special attention to the security of new EU members on the Baltic-Black Sea belt: Estonia, Latvia, Slovakia, Romania. These countries are most vulnerable to the possible energy blackmail, because of the developing alternative transportation routes are designed mainly for Western Europe countries.

4. One of the possible EU strategy to counterbalance the current Russia's attempt to install control over region national energy transportation systems is to take direct part in the creation of European sponsored Consortiums for reconstruction and support of existing and new built energy transportation facilities of Ukraine, Moldova, Belarus. The continuation of "Odessa – Brody" pipeline to Gdansk and the participation of EU countries and capital in this project could become very important step in this direction.

5. Under the existing geopolitical realities, security vacuum and high level of symmetrical and asymmetrical threats in the region, unresolved geopolitical status of some CEE countries, regional conflicts and territorial arguments, a perspective solution of the European energy security problems



is developing the regional security structures with the participation of the countries of the Wider Black Sea - Caspian region (possibly including GUAM, NATO and EU members).

These regional security structures could play an important role in counterbalancing the growing Russia's geopolitical ambitions, emerging Turkish - Russian condominium in the Black Sea area and current Russia's efforts for the implementation of "divide - and - rule" policy in the region. Potentially, the regional cooperation and security systems could become the natural elements of the general pan-European cooperation security architecture for the years to come.

### **US Hands Ukraine and Georgia to Russia: Will Europe Become a Hostage?**

The United States - Iraq -Iran stalemate provoked broader geopolitical consequences.

Reincarnated Russia quickly understood the unique window of opportunities created by the second "American Vietnam" and stated the massive offensive to regain its lost empire.

The consorted campaign to reassert the former USSR sphere of influence includes in itself not only objections to the US anti- missile shield, questions about conventional or nuclear weapons in Belarus and Europe in a whole, but broader and more main issues concerning the future world order in Eurasia.

Russia understands quite well that it has a lot of opportunities to make American missions in Middle East very close to impossible. Completing Busher nuclear plant, supply to Iran of dabble-purpose nuclear-linked technology, air defence systems like S - 300, sea missile complexes "Tarpon" and Su 27 and Su 30 fighters - that could completely undermine American SEAD (suppression of air defence) strategy and easily transform any possible American campaign in very costly and politically suicidal mission. This mission inevitably will lead any American President to the political crisis at home and the loss of credibility abroad.

Russians make quite clear that they can easily do it and may not. That, of course, depends but they want something in return. General goal is obvious - regaining control over FSU and the division of the spheres of influence for the future.

Regaining control over Ukraine at any price is an absolutely necessary element of this strategy

- without it all other steps will be meaningless. Undermining the unstable "Orange coalition" from inside and at the same time increasing political, economic, energy and military pressure (Russian military contingent in Moldova, paratrooper divisions on northern - eastern borders of Ukraine), from outside.

The second step will be Georgia and Azerbaijan - control over these countries will allow Russia to "secure" Caucasus, including Chechnya and created all preconditions for further projection of power to the Middle East.

There is a strong suspicion in Ukraine and not only in Ukraine that, in order to make a new "big deal" with Russia, US needs "only" to signing away and waste - off so-called allies on the post-soviet space. For Ukraine this is not a new idea. It is now the third time when this country will be used as a bargaining cheap in the US - Russia game. (First time was in 1993-1994, when Ukraine deliberately has been left in the Moscow sphere of influence and was excluded from NATO and EU enlargement processes. The second time was due to the agreements between Bush and Putin, from St. Petersburg, after the 9/11).

So, nothing principally new is happening. Neither with Ukraine nor with Georgia and the recent remarks made by the Secretary-General of NATO, Jaap de Hoop Scheffer in Tbilisi, in October 2007, only confirm the fact that "Double-Track" approach - the weak formal declarations of supporting its FSU allies combined with simultaneous concessions and appeasement technique toward Russia is still a cornerstone of US in the NATO policy on the post-soviet space.

But let us speculate a little about further possible developments. Regaining and consolidating control over the "near abroad" is only the first stage of the Russian strategy on the future. The next step will be Baltic States and Poland. Formally NATO and EU members, they are still very vulnerable to the Russian pressure and economic and energy blackmail especially if Germany will be successfully "neutralized", A. Merkel will lose the battle over Kosovo and Baltic-Russian crisis will demonstrate the complete impotence of US and its security obligations.

For this time new China-Russian anti-NATO alliance created by the members of Collective Security Treaty Organization and Shanghai Cooperation Organization in October 2007 in



Dushanbe will be consolidated. This powerful Eurasian anti-NATO structure on the enormous space from Belarus to China, but with centre in Moscow, will change completely the balance of forces in Europe and in the world and will transform EU in the hostage of US selfish geopolitical games and its own hypocrisy.

### **Internal situation in Ukraine: “Déjà-vu ”**

The nowadays situation in Ukraine provokes the reminiscent of previous unsuccessful attempts of Ukrainian state building from the 17<sup>th</sup> and from the beginning of the 20<sup>th</sup> centuries.

The enormous social enthusiasm and the drastic move toward liberal democracy values of 2004-2005 ended in disillusion and loss of credibility home and abroad. A weak and inadequate president, his corrupt and ignorant entourage, spoiled and wasted everything in touch. Desperately needed reforms almost stopped in 2006-2007, the uncontrolled process of reincarnation of old and maturing of new enemies of Ukrainian sovereignty started to undermine the very base of the national security system.

The second very narrow, mainly based on populist demagoguery of Yulia Tymoshenko reincarnation of the “Orange revolution” risks very soon found itself at the dead end.

Good summary of the current “political bordello” in Ukraine, created by joint effort of “orange-blue” Ukrainian political elite gave the UK delegate of PACE who stated: **“Both Victors deserve each other but the people of Ukraine worth a better fate”**.

Paradoxically, the current negative processes simultaneously revealed more fundamental tendencies and historical perspectives, made possible to foresee more clearly the alternative ways of development for Ukraine, as a key factor of the geopolitical changes on the post-soviet space.

### **The key system factors that determine current processes in Ukraine**

1. Birthmarks of historically divided nation; absence of internal consensus in the ruling circles and society as a whole on the key aspects of internal and external policy; unhealthy personal ambitions and widespread corruption of Ukrainian political

elite; absence of consistent strategy of development for the future; weak and ineffective civil society structures; inadequate legal base for national state building, badly prepared constitutional reform and systemic constitutional crisis.

2. Competitive perception of national security priorities by different social and regional groups. As a result - ineffectiveness of social and economic reforms, systemic chaos in the internal and external policy, decline of social and economic standards and national security level for all social groups without exception.

3. Post - imperial “Orange syndrome” of Russian Federation; systemic intervention of RF and Russian special services in the Ukrainian internal affairs on all levels and in all key spheres; the strategic goal-undermining the whole idea of Ukraine’s sovereignty, block any attempt to break away of Russia’s sphere of influence, stimulating all destructive processes in the country, simultaneously installing control over strategic spheres of industry and economy, and persistent attempts of discreditation and physical elimination of Ukrainian national political leaders.

Other wide used instruments - political provocations, massive anti - western propaganda and anti-NATO campaign, collecting and spreading sensitive and compromising information, stimulating quarrels inside political elite, organizing economic blockades, artificial crises, social unrests and inter-ethnic conflicts, support of anti-Ukrainian groups and movements (recent Moscow - organized anti-Ukrainian action on Goverla is a very good example here), forming agent and sabotage groups in key legislative and executive bodies, including supervisory bodies, military structures and special services.

4. Short-sighted and counterproductive “Double-Track” policy of the West - verbal declarations on Ukraine’s support with simultaneous concessions and appeasement technique toward Russia.

*Today, Ukraine becomes the arena of geopolitical competition between West and Russia. The difference is that Russia considers this struggle as the last and decisive geopolitical battle but unconsolidated and internally divided West still looks on it through the glasses of economic benefits and gains. The far-reaching consequences of this approach potentially could be extremely dangerous.*



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## NATO AND EU: POLITICS, STRATEGIES, ACTIONS

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After the elections, Ukraine desperately tries to solve out the current crisis itself. But everything depends on Ukraine during this process. One should never forget external “Russian factor”.

West and first of all some EU countries doomed to understand,- better sooner than latter,- that further procrastination, the continuation of current “Double Track” policy and denial of the European perspective to Ukraine, on long term, is a suicidal operation.

Current tendencies of developments in Russia and on the post-soviet space in general, new and

very effective RF strategy of using energy and many other strategic resources as geopolitical weapon and future eminent, mutually beneficial China-Russian geopolitical and geo-economic alliance, leaves a narrow choice to the West.

*Ukraine, as many leading Western analysts and political leaders repeatedly stated, objectively is and will be the crucial factor of the Euro-Atlantic stability and security for the years to come.*

*Its integration in the European civilization community is in the best interest of the West itself.*

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# THE VIEW OF THE SLOVAK SECURITY COMMUNITY ON EU'S ACTIVE SECURITY ENGAGEMENT

*Elemír NEČEJ,  
Vladimír TARASOVIČ*

*The Slovak Strategic Forum – a network of parliamentary representatives, governmental structures and experts – was seeking answers to the following questions:*

- *What is the impact of a growing scope and number of the ESDP operations on the security policy and strategy development in Europe?*

- *Will the European Union be able to enforce its security and policy profile and interlink civil and military instruments within an integrated approach to security?*

- *To what extent is the EU integrated or divided in its security engagement?*

- *In what manner should the EU enforce a coordinated and complex approach to CM within the framework of so diverse challenges the world meets today?*

*Keywords: EU, ESDP, EU-led operations, Slovak Republic,*

## **Transition of the missions – trends of the EU-led operations and future strategic challenges**

While considering the development of ESDP (after the adoption of ESS), many participants agreed there was an apparent shift from the “soft power” to the “hard power,” which should become even more emphasized. They assume that after the experience from Afghanistan and Iraq, the United States’ military engagement in the world will diminish. In the future, such a development would require a stronger emphasis on building of the European military capabilities.

Experts came to an agreement that over time and, due to the influence of experience, there was a transition of missions “in the positive direction.” The EU has learnt from earlier mistakes: in particular from failure of the “soft power”

enforcement towards Iran.

According to experts, there are five parameters influencing the EU’s decision to intervene:

- **political system** (the more subjects in parliament, the harder it is to adopt a resolution on intervention);

- **civil community** (the more advanced the community is, the greater assumption that it will oppose intervention);

- **professional army** (it is possible to send it quickly outside the area);

- **multicultural societies** (a mission abroad threatens the internal security when the diasporas from operation’s target countries are in the sending country’s territory);

- **membership in international security organizations** (meeting the obligations).

Following these parameters, the European nations might be in the future far less willing to undertake military operations.

## **Should the Slovak Republic (SR) build up the support units or combat units (elements)?**

The greatest part of discussion focused on a question whether the SR should continue in enhancement of support units (CS and CSS – Combat Support and Combat Support Service) or it should better orientate at the combat elements. Two contradictory opinions have emerged in this context: the first one claims that “we are not warriors (combatants) and it is not our cup of tea from historical point of view”, and that is why we should build our capabilities (engineer, demining), which are highly appreciated and required abroad. On the other hand, the supporters of the second opinion suggest we are able to contribute also by other capabilities than those ones we have contributed with in the past and today.



They often pointed out the different approaches to building of military forces in the Slovak Republic (SR) and the Czech Republic (CR). In this regard, the formation of combat elements in two separated states was compared as well. Since the formation of the Czech Military, the CR has been concerned with the preparation of combat elements in a systematic manner, and when the crisis in Afghanistan arose, they had a lot to offer.

On the contrary, nobody in the SR was able to develop any concept of a special combat formation. Within this context, a critique of engagement of a combat unit for convoys' protection in Iraq appeared, because this combat group had only four months to train the mission. The participants to the discussions came to conclusion that we hurry to declare something in a very impetuous manner and then we must improvise in meeting the obligations.

In Slovak Republic, the new government, with a decisive position of a left-oriented party, withdrew our soldiers from Iraq. A decision-making process on transfer of Slovak soldiers from Kabul to more turbulent Kandahar lasted from summer 2006 till spring 2007, although the government considered the operation in Afghanistan to be more important than the operation from Iraq<sup>1</sup>.

However, neither a previous right-wing government was able to adopt a resolution about engagement, as well as it could not resolve to identify the missions to which it sent the Slovak soldiers as "combat missions". They were always labelled as peacekeeping missions (or mostly as peace missions) what was actually burying of head in the sand. This strengthens the conviction that Slovak politicians would rather harm their reputation in international circles than bear the risk of voters' loss.

Some experts justified it by the inability of the SR to agree upon the state interests, others by the inability of the Ministry of Defence and the General Staff to persuade politicians of the necessity to send the combat elements, even to dangerous areas.

The number of persons engaged in the EU-led operations is still marginal<sup>2</sup>. Moreover, the numbers of really engaged soldiers are still lowering and that is why a restructuring of operating abroad, in accordance with declarations and obligations, is required. It is said, for some time, about sending of organic groups, but if a company comprises

approximately 100 people, and we participate in operation with 70 soldiers, we cannot meet this obligation.

### **Europe faces the necessity of greater strategic engagement in the area of global security – to what extent is it integrated or divided?**

There is an agreement of opinion that in considering the EU as a global actor it is necessary to differentiate between the areas in which it is able to play this role. Regardless a progress in achieving unity in global engagement, the ESDP decision-making remains at national level. That is why an influence of three big players – France, Germany and Great Britain – as well as the development of their common positions in ambitions and the use of ESDP instruments, is important. It is possible to judge that the difference of security policies in the field of foreign engagement, experience, available capabilities, and political and strategic aims, will remain. That is why we cannot suppose a greater shift to engagement. In the field of global security, the EU will, inter alia, depend on the shift of already mentioned players, on potential liaison (coordination) of their potential, and finding of some "lower common denominator" of their policies.

The discussion also pursued the issue of the EU capabilities from the point of view of accomplishment of military Headline Goal 2010 and Civilian HG 2008. The participants settle that an ability of strategic engagement of the EU is influenced by certain ambivalence. On one hand, there is a progress (in spite of difficulties) in construction of military and civil capabilities within the framework of ESDP; on the other hand, there is a lack of strategic consensus, what breaks the accomplishment. In this point, a part of experts returned to the problem which was discussed during the discussion in 2006: the non-existence of a common interest and its impact on the fighting power of the EU. There were rather sceptical opinions on motives, common interest, and thus also on direction to greater assertiveness of the EU. With respect to enduring high divergence, it is not possible to expect a high speed of unification or "deeper identity" of ESDP.

Following the conclusions from the discussion, it is possible to judge that Slovak experts are rather sceptical and they consider many issues to



be open, requiring long-term development. For the higher effectiveness, the experts assume the need of synchronization of the EU efforts with other players (NATO, UN, etc.) and the need of a pragmatic view on capabilities and ambitions of the EU. From the perspective of strategic planning, it corresponds to a focus on a long-term vision of development. In spite of difficulties, there is a consent that the creation of capabilities within HG 2010 and Civilian HG 2008 should continue. In this realm, the Slovak Republic has vast possibilities as well as considerable shortages.

In assessing the ambitions and possibilities of the Slovak Republic, it could be possible, with certain “exaggeration”, to trace down “reverse approach” than in Europe as a whole. Political and military ambitions are higher than the current (and perhaps also the future) capacities and possibilities. A few factors support this thesis. The most important ones are the approaches “NATO first” and “one country – one package of forces”<sup>3</sup>. It is logical that the Slovak Republic rather focuses on a preparation of one unit (battalion with CS and CSS) for “NRF 10” in 2007 (“NRF10” is for the first six months of 2008), than on two BG in 2009 and 2010 (see table 2). According to some opinions, it is also an influence of late reaction of the Slovak Republic on the ESDP what displays in this area: we were among the last ones who started to consider the contribution to BG<sup>4</sup>. In spite of some difficulties, there is an assumption that the Slovak Republic will be able to meet its obligations, although it is in a tense situation in terms of “intervention capabilities”. A dilemma where it will be able and willing to engage the BG poses much greater problem.

In comparison with the ability to provide the EU with military capabilities, the SR is an uncertain partner in providing civilian capacities. In the last year’s *Panorama*, the probability of increase in the EU requirements on the components of civilian CM, and in particular for West Balkans, was pointed out. The Slovak Republic prepares 50 policemen for operating in the international policy missions; today only 6 are engaged. Six persons have changed off in missions since 2004, what does not show the Slovak Republic as an active country in police missions. Police force probably faces the similar difficulties as military forces used to face in the past – unresolved problems of integration of people after their return from missions, insufficient

understanding of the sense of missions as a part of formation of security environment, and legislative troubles. As for other experts – lawyers, local government experts – there is a completely lack of offer from Slovakia.

When we assess the ability of the SR to contribute to the instruments of ESDP, we observe the lack of complex approach. The Civil Military Coordination (CMCO) of ESDP is not elaborated as well. This is connected with the SR security system which needs to restructure in order to respond to the requirements of the NATO and the EU in the field of CM.

It is a reaction to the proposal of the German chancellor Merkel to build up the European Army which could be considered as a theoretical contribution to the discussed issue. According to that, we can really just discuss this subject. The majority, however, agreed upon the conclusion that this step is necessary and it will be possible to be accomplished, but in a long-term horizon.

### **The current trends in the EU security operations and future strategic challenges**

In the discussion on trends in security operations, the most stressed issues were those ones of military and civil operations which were based on the opinions ended mission in the Democratic Republic of Congo (DRC), Althea mission in Bosnia and Herzegovina in connection with policy mission, and potential mission in Kosovo. The opinions could be labelled as careful and rather pessimistic. Despite the EU sees Artemis in the positive way, Slovak experts assume the EU will rather follow the experience and partial successes on the West Balkans that to use a restricted mission in DRC as a model for a future military engagement.

As for the (DRC) Mission Artemis, the majority of participants inclined to the opinion that the Union overrated its success. This mission was rather a long-prepared symbolic gesture what was not in accordance with the requirements of rapid response. The answer for a question whether it should be used as a model for the future EU engagement, was rather “no” than “yes”. Although the colloquium participants agreed with the fact that Europe is related to Africa, and the first line of protection and defence may lead outside the EU territory, they do not assume there the rapid and robust intervention by purely military



instruments of ESDP. For the largeness of the countries, inaccessibility of terrain, and lack of communication, the current EU capabilities do not allow this kind of engagement and particularly the maintenance of troops for necessary time.

### **The possibilities posed by the use of experience from West Balkans**

The Slovak experts agreed with the EU Strategic Studies Institute's (EU SSI) opinion, that the military components within the ESDP will not be used in isolation; the combination with Civilian Response Teams, Integrated Police Units, or EU Gendarmerie Forces is supposed. However, they do not share the optimism of EU SSI with regard to robustness of EU means of engagement, ability, and will to engage them in distant regions. Besides the integration of particular ESDP instruments, also their integration with "community" instruments, or with instruments of the first pillar for which the European Commission is responsible, is at stake.

Though, it is clear that it will be especially Bosnia and Herzegovina (B&H) and Kosovo that will represent a test of their effectiveness, experts are rather careful in considering the possible success, at least from a time horizon. The divergence of opinions displayed in the answer for a question which of the actions (Kosovo or B&H) could serve as an example for future peacebuilding and be an experience for further development of combined ESDP instruments. According to some opinions, it is Bosnia and Herzegovina which could serve as a model for examination of a complex and coordinated approach. The EU started to prepare the enhancement of a mandate of the EU special representative (EUSR) and the formation of "double-mission" (EUSR/head of EU delegation) with a prospect, that the EU will shift from the tasks of military and political mission to transformation in institutional, political, economic and social context.

Although operating in Bosnia and Herzegovina allows EU to use more complex instruments of ESDP, the participants agreed, that from the point of view of importance, it is Kosovo that will be prominent. The role of the EU and ESDP instruments in Kosovo will be more complex than in Bosnia and Herzegovina. Though the Council and the Parliament adopted certain vision, there are still some ambiguities in terms of how long

the delegation of UNMIK responsibility to new "international civil administration" will take, what the civil administration will look like, and what tasks will be assigned to the ESDP mission (once again, it is not the EU that will hold the floor, but rather the United Nations Security Council).

For now, we talk about possible EU crisis management operation in the field of rule of law and other areas (27 countries involved) with a mandate to manage the riots and violence what will bring rather negative attitude of Albans towards the EU. Though NATO will probably preserve the independence of command in Kosovo, the experts having experience working in NATO structures do not suppose this could pose a problem<sup>5</sup>. There is positive experience from the coordination of measures in case of aggravation of the situation, although NATO troops serve rather as an instrument of deterrence. The Euro-Atlantic region requires the EU to overtake responsibilities for security and action in case of crisis. For this, however, it needs to create relevant capabilities.

### **Conclusions**

- We can see the shift from the "soft power" to the "hard power", which should be even emphasized. There is an assumption, that after an experience from Afghanistan and Iraq, the United States' military engagement in the world will diminish.

- The Euro-Atlantic region expects the EU to undertake responsibility for security and action in case of a crisis. To do so, however, it needs to build relevant capabilities.

- By now, it was an unwillingness to use military power what represented a limiting factor; today it is a question of capabilities, budgets, and unsatisfactory progress of the forces' transformation in the member states. However, experience from the recent conflicts has confirmed that the soft power tasks remain irreplaceable in effort to prevent crisis (after the hard power tasks are carried out). If attempt to reconstruct war-damaged areas and resolve conflicts in a preventive way fails, crises will repeat.

- The question, whether the Slovak Republic should continue in enhancement of CSS groups or rather to orientate itself towards the combat elements, brought about two contradictory answers. The first one claims we should continue



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in present direction and focus on CSS; the second one, on the other hand, says we should not be afraid of shifting our attention at formation of combat elements. However, the trouble is still the (un)willingness of Slovak politicians to engage our forces in dangerous operations.

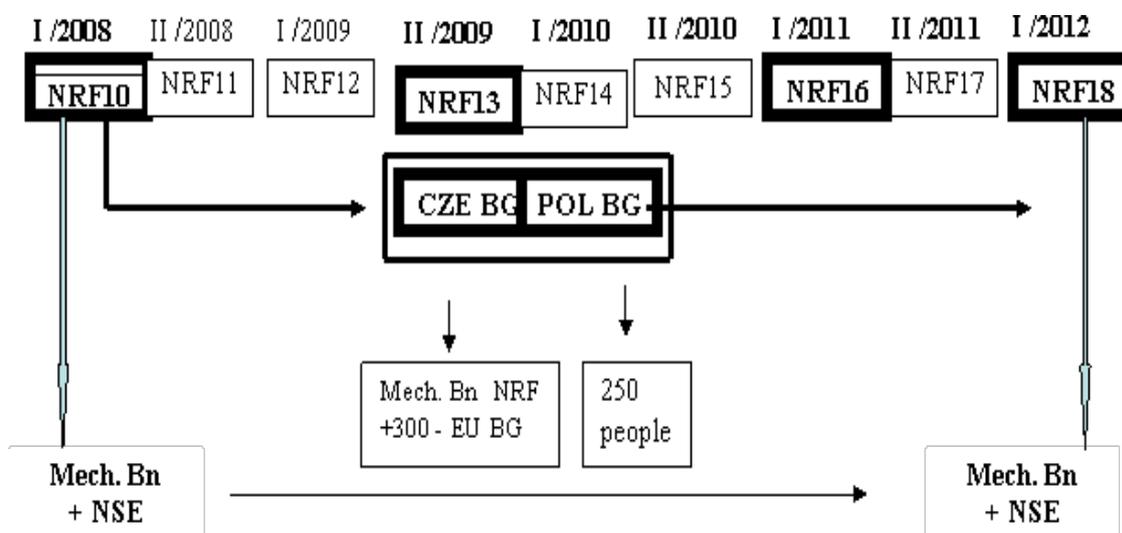
- The majority of experts suppose that a political and military ambition of the Slovak Republic is higher than our current (and maybe also the future) capacities and capabilities. It is probably also an impact of the late response on

ESDP development which reflects in this field. The Slovak Republic lacks a complex approach to CM (crisis management). We have a problem to engage policemen and so far we do not think about the engagement of legal experts or experts on construction or civil administration reform. The paradox is even greater, since the Slovak Republic was to be a pioneer of security sector reform on the ground of the United Nations Security Council during the position of a non-permanent member of UNSC.

**Table 1. Missions abroad<sup>6</sup>**

No	Mission	Plan	Real	From
1	KFOR - Kosovo (NATO)	135	134	7. 2. 2002
2	NATO HQ Sarajevo (NATO)	4	1	1. 12. 2004
3	ISAF - Afghanistan (NATO)	57	55	1. 4. 2004
4	ISAF - PRT	5	2	16. 5. 2007
5	ALTHEA - BiH (EÚ)	40	35	11. 1. 2006
6	ALTHEA (HQ) (EÚ)	4	4	2. 12. 2004
7	UNFICYP - Cyprus (OSN)	210	196	27. 5. 2001
8	UNDOF	95	95	15. 5. 1998
9	Iraq (Coalition F)	105	2	6. 8. 2003
10	UNTSO - Syria, Israel (OSN)	2	2	23. 8. 1999
11	OSCE - Moldavia	1	0	14. 9. 1998
12	OSCE - Gruzia	2	0	14. 6. 2000
13	EUMM	2	2	1. 1. 1993
	<b>Summary</b>	<b>662</b>	<b>528 XI/2007</b>	

**Table 2. The Slovak participation to NRF & EU**





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### NOTES:

<sup>1</sup> In March 2007, the Slovak engineer unit (57 troops) launched “Operation Redeployment” from Kabul International Airport (KAIA) to Kandahar Airfield (KAF) - accomplished on May, 19, strengthened by a guard platoon which includes 35 people plus 17 other specialists – that is 111 people (authors’ note).

<sup>2</sup> Althea – 39 people from January 2006. For all missions see table 1 (authors’ note).

<sup>3</sup> One of the examples is the foreseen ability to offer one brigade with CSS and CSS elements for collective NATO defence around 2013 for 6 months. (See Defence Policy Guidance 2008 – 2013). However, this date is not realistic, [http://www.rokovania.gov.sk/appl/material.nsf/0/C3FF18BD8F5AB7D94125727C004DE2C8/\\$FILE/Zdroj.html](http://www.rokovania.gov.sk/appl/material.nsf/0/C3FF18BD8F5AB7D94125727C004DE2C8/$FILE/Zdroj.html)

<sup>4</sup> Despite of the experts’ worries, Slovakia improves its contribution to EU BG (300 persons to CZ-SVK in 2009 and 250 to PL-GE-SVK-LI-LT BG in 2010). However, there are some complications during the preparation (authors’ note).

<sup>5</sup> It was a reaction to the discussion on possibility of Turkey’s blocking plans to enhance cooperation between NATO troops and a future European Union police mission in Kosovo in protest at its treatment by the EU (from May 2007). In a January 2007 speech in Berlin, NATO Secretary General vented his frustration over the inadequacies of the NATO-EU strategic dialogue due to the political blockages restricting the NAC-PSC formal agenda. On the other hand, in Kosovo, NATO and EU technical teams have been working on cooperation modalities between KFOR and the projected ESDP mission. (US has pledged some 100 civilian participants to the planned ESDP mission - authors’ note). See also Leo MICHEL, *NATO-EU Co-operation in operations: Challenges and opportunities*, 15-Oct-07, [http://www.worldsecuritynetwork.com/showArticle3.cfm?article\\_id=15000&topicID=31](http://www.worldsecuritynetwork.com/showArticle3.cfm?article_id=15000&topicID=31)

<sup>6</sup> Source: SR MOD website – November 30th 2007, Slovak language only, <http://www.mosr.sk/aktualny-pocet-vojakov-v-misiach>.

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# THE COMMON FOREIGN AND SECURITY POLICY ACCORDING TO THE LISBON TREATY

*Mădălina Virginia ANTONESCU*

*We are trying to analyse inside this article the question of legal concordance between the principle of state sovereignty as the core of whole international law and some disposals from the Lisbon Treaty, regarding the common foreign and security policy and the common defence and security policy, as two specific fields of traditional state competences. Is EU a kind of entity of integration trying to question the state sovereignty? If so, states should say good bye to their Westphalian exclusive attributes in these two key-zones and work jointly to elaborate and to implement within EU institutional framework a common defence and a European foreign and security policy, meaning the transfer of sovereign attributes towards EU institutions. If Lisbon Treaty is in favour of this integrationist vision or if it rather maintains sovereign elements, this is the question to which this article is trying to answer.*

*Keywords: EU, CFSP, Treaty of Lisbon, state, state sovereignty.*

## **1. Compatibility of the field of CFSP with the state sovereignty principle from the perspective of the Treaty of Lisbon**

**From a point of view, it can be said that, as long as within the legal and political relation between the Member States and Union, several special, integration principles** (competencies assignment, loyal cooperation between the Member States and the Union as specific cooperation within an integration political environment and aimed at integration: subsidiarity and proportionality) are admitted, **the state sovereignty principle is automatically affected, relativized**<sup>1</sup>. Based on their special, dispensatory (from the “common” norms of international law) legal capacity of “members of EU”, **the states can neither fully,**

**exclusively and independently exercise within the Union their supremacy over their state territory and population nor independently establish their internal and foreign policy**<sup>2</sup> (many of the fields of its internal policy are included in the field of the competencies that are shared with the Union, while within other fields competencies were exclusively assigned to the Union; as regards the foreign policy of the Member States, the Treaty of Lisbon abolishes the structure of “the three pillars” of the Union and establishes (in Art. 9E, paragraph 4/TUE) the special competence of the High Representative of the Union for foreign affairs and security policy<sup>3</sup> leading the CFSP, providing its coherence, contributing with proposals to its elaboration and applying it as representative of the Council).

Art. 9E, paragraph 2/TUE, amending the Treaty of Lisbon, does not use the expression in other treaties, “common foreign and security policy”, that was, according to Maastricht Treaty/1993, the second pillar (intergovernmental) of the Union. This article brings, in our opinion, a very significant innovation that should be considered from the point of view of abolishing “the three pillars” of the EU: “common foreign and security policy of the Union” (expression in Art. 9E, paragraph 2/TUE) shows a clear integration aspect of this policy and the reinforcement of the attributions of the High Representative and his plurality of offices (representative of the Council on this field, president of the Council of Foreign Affairs, vice-president of the Commission).

The main con to the fact that **the foreign aspect of the state sovereignty principle is not affected** (while the EU Member States continue to have the **prerogative for drawing up their own foreign policies**, considered still subjects of international law within the Union), including due to the fact



that the Treaty of Lisbon does not change the Union into a federal state, would be the provision of the Treaty (Chapter 2, Art. 10 C, paragraph 1/TUE, amending the Treaty of Lisbon) **that consolidates the intergovernmental feature of CFSP, so, implicitly, the evolution of this policy towards an integrationist dimension is refused**: thus, “CFSP is defined and applied by the European Council and the Council, unanimously deciding, unless otherwise provided by the treaties”. Moreover, in this field, the legislative documents can not be adopted by the EU institutions (other provision showing the “non-integrated” feature of CFSP).

We should consider though that the legal and political relation between the member states and the Union, mainly concerning CFSP and the way that Treaty of Lisbon rebuilt this relation, is **complex and original**. We should not leave this complexity out and intolerably simplify things if we erroneously consider that the Union is only a general background for coordinating the policies of the Member States, states that fully keep their sovereignty.

**In our opinion, CFSP, according to the provisions of the Treaty of Lisbon, has become a deeply reformed field, even if it keeps using the unanimity rule while taking decisions and provides an important role for the two institutions of the EU representing the interest of the Member States** (the Council, the European Council). CFSP has become a field that is not dominated almost entirely by the Member States anymore. Several legal aspects in the Treaty of Lisbon plead interdependently for a deep communitarisation of CFSP, due to the fact that **it is not a simple field of the classical multilateral cooperation anymore**, as the states act within an international cooperation body, for example.

CFSP, as proposed in the Treaty of Lisbon, is, above all, a field connected to the Chapter 1 (the external activity of the Union) including general provisions on which, under Art. 10C/TUE, the activity of EU on the international stage should be founded. Moreover, by Art. A/TUE, the Union receives legal personality, becoming subject of international law so it can not be considered as a simple cooperation background for the states anymore. Moreover, Art. 11, new paragraph 1/TUE, amending the Treaty of Lisbon, **stipulates that within the field of CFSP there is a “competence of the Union”** and mentions its **content**: “includes

all foreign political fields, as well as all issues concerning the security of the Union, including the gradual definition of a common security policy that may lead to a common security”. So, as long as a competence of the EU is admitted, while keeping the unanimity rule in the field of CFSP, it is clear that the tension between the two (integrationist and sovereigntist) trends for CFSP becomes more and more emphasised, compared to the stipulations in the treaties preceding the Treaty of Lisbon.

CFSP is not a “**purely** intergovernmental” field anymore either, since the Art. 11, new paragraph 1/TUE clearly mentions the “**competence of the Union**” that differs from the one of the Member States. However, by corroboration with the provisions of the other treaty amended by the Treaty of Lisbon (Title I, “Categories and fields of competences of the Union”, Art. 2A, Art. 2C/ the Treaty establishing the European Community that become the Treaty on the Functioning of the European Union) **it results that CFSP is not a field of competence shared between the Member States and the Union but a special field** (Art. 2A, paragraph 4/TFUE, referring to the provisions of TUE, article that recognizes the competence of the Union in the field of CFSP but does not mention it among the fields subjected to the shared competence – the same elision could be found in Art. 2C/TFUE). According to Art. 2A, paragraph 4/TFUE, the “Union is competent, in accordance with the provisions of the Treaty on the European Union, in defining and applying a common foreign and security policy, including gradually defining a common defence policy” (but, according to TUE, **legislative documents can not be issued in the field of CFSP**, meaning that it is a **special field**, of a special competence of the Union, different from its competence that is shared with the Member States within other fields, where the Union, as well as the Member States, may enact and adopt legally binding documents).

**Even if we admit the special (neither a purely intergovernmental nor “integrated” or “shared”) feature of the CFSP field**, an ebullient controversy continue to exist as regards the affectation or not of the states sovereignty principle, as *ius cogens*. Certainly, the Union would not have any interest in relativising such imperative principle of international law (for emphasising the European integration, supporting the thesis of the autonomy and originality of its lawful order in relation with



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the international law), since this would not be licit. Even if **the Member States** would benefit from keep supporting the intergovernmental feature of CFSP (including ESDP) since they both represent **traditional dimensions of their sovereignty display**.

Thus, under the sovereignty principle, the states should independently establish their foreign policy (aspect that also includes a correlative obligation of other states to not influence in any way and to not compel the state concerned within the process of elaboration and application of its foreign policy and the establishment of international relations). **So, within EU, there is not a relativisation of the sovereignty principle by a state towards other state but a relativisation by the legal nature of an entity** created by the free and sovereign agreement of the states (legal integration nature, a Union made up by assigning competences<sup>4</sup>), an affectation of the sovereignty (in its both, internal and external, dimensions) of **all Member States, in favour of the Union as distinct legal entity**.

There is an obligation of the EU Member States (creating legal effects) under TUE, amended by the Treaty of Lisbon, **to converge their foreign policies so that to promote the interests and values of the Union on the international stage** (meaning, with the solidarity principle of the Member States in this field, stipulated by the new Art. 16/TUE, **more that a simple cooperation between states on the international stage**). The provision of Art. 16, point b/TUE, amending the Treaty of Lisbon, represents, in our opinion, a concrete limitation of each state's right to independently establish its foreign policy and independently organise its relations on international level: that Article **provides something different** that aims at giving meaning to the common policy of the EU Member States on foreign level, so at materialising a common approach of the Union to this purpose. That Article provides that "before undertaking any action on the international stage or assuming any pledge that could injure the interests of the Union, each Member State cooperates with the other states within the European Council or the Council. The Member States ensure that, by the convergence of their actions, the Union may promote its interests and values on the international stage. The Member States are solidary between them".

We notice, once more, from the Art. 10A, Chapter 1, Title V/TUE, within the amendment

made by the Treaty of Lisbon in paragraph 1, that **the action of the Union on the international stage, among other principles, is also based on the "observance of the principles of UNO Charter and the international law"**. At the same time, in paragraph 2, letter b and c of Art. 10A/TUE, the principles of international law, the principles of UNO Charter, the principles of the Final Act of Helsinki, the objectives of Charter of Paris are mentioned as legal obligations to be observed by the Union. The Union can not validly engage in meeting these principles (mainly, the principle of states sovereignty) towards only one part of the international community (member states of UNO but not EU states) only as regards its action on foreign level **and not as regards its legal relation with the Member States** (that are also members of UNO). On contrary, as long as CFSP and the foreign action of the Union (Chapter 2 and Chapter 1, Title V/TUE) remain fields where the decisions are taken unanimously (by the European Council, Council), the logic of the Treaty of Lisbon make a winner out of the prevalent intergovernmental feature of CFSP and the foreign action of the Union (actually the entire title V/TUE).

If we admit, within this hypothesis, **that this field is neither "integrated" (subjected to the legislative documents of the EU institutions) nor subjected to the "shared competence" between states and the Union, it results that, as regards the title V/TUE, the EU Member States have not assigned competences to the Union (in other opinions, they "have not transferred the sovereignty exercise") so the sovereignty principle, as basic principle of international law, has not been affected<sup>5</sup>, especially that, through the Treaty of Lisbon, an integrate, European foreign and security policy, that is a policy of the Union (and not of the Member States) has not been achieved**. In this context, the fact that Art. 11/TUE, new paragraph 1 mentions the "**competence of the Union** in common foreign and security policy issues" can only be considered as a method of **common approach by all Member States according to a general interest**, certain problems in this field, a field that **remains a fundamental intergovernmental one** led by states through the two Councils (that have the decision in this field).

On the contrary, within other (integrationist) vision, the Treaty of Lisbon **consecrates the special feature of CFSP as an affectation of the**



**states sovereignty principle.** Although CFSP is not considered a “field of shared competence”, they notice that, for the application of the decisions of the Council or the European Council in this field, apart from the Member States, there is also a **supranational institution with an important role:** the High Representative of the Union for foreign affairs and security policy (a true European foreign affairs minister due to his attributions, in spite of the name used in the Treaty. Moreover, due to his capacity of President of the Foreign Affairs Council, he actively participates to the **elaboration** of the decisions in the CFSP field; in addition, with the Commission (for the other fields of the foreign action), the High Representative may submit (in the CFSP field) common propositions to the Council (Art. 10B/TUE, paragraph 2).

The High Representative (position that we considered as supranational and not intergovernmental, due to the attributions conferred to the High Representative through Title V/TUE and not only) supports the Council and the Commission in exercising their attribution of providing coherence between the various fields of its foreign activity as well as between them and its other policies (Art. 10A, paragraph 3/TUE). The High Representative applies CFSP, with the Member States, according to the treaties (Art. 10 C, new paragraph 1/TUE). **At the same time, other EU supranational institutions receive attributions** in this field (the Commission, the European Parliament) meaning an important opening of this intergovernmental field towards an integration direction. Art. 13 a/TUE represents, as a whole, an integrationist provision conferring that special feature to the CFSP field and justifying the general integrationist perspective produced on the states sovereignty principle (as independent method of elaboration and application of the foreign policy and free establishment of the international relations of a state).

**We can not mistake the supranational feature of the High Representative** (this feature arises even from his name, of Representative “of the Union” and not of the states before analysing his attributions and functions under the Treaty of Lisbon) **for an intergovernmental feature** (the Treaty of Lisbon does not use the term of “Minister” of Foreign Affairs of the Union anymore, as the Constitutional Treaty does), because the High Representative, as arising from the analysis of the

entire title V/TUE, amending the Treaty of Lisbon, **protects the general interest of the Union**, while the foreign affairs ministers of the Member States protects the specific interests of those states.

Even if two intergovernmental institutions (the Council, the European Council) defined a common approach of the Union, **this attribution of the Councils** (under which they protect, as intergovernmental institutions, the interest of the member states) **are not mistaken for the supranational, complementary attributions** (considering the special feature of the CFSP field) **of the High Representative** in this field **as representative of the Union, of the European interest** (participation to the elaboration as well as the application of the decisions of the Councils in the CFSP field).

Thus, **a de facto institutional balance** is established in the fields covered by the title V/TUE: on one hand, **the decisional role of the Councils** (intergovernmental institutions); on the other hand, the complex role (of participation to taking decisions including by proposals; the applications of the decisions, the consultancy with the European Parliament, etc.) **of the High Representative, plus a specific role for the Commission** (other supranational institution), of providing coherence between the various fields of the foreign activity of the Union, as well as between them and its other policies (Art. 10A, paragraph 3/TUE), submitting proposals to the Council in the other fields of the foreign activity of the Union (Art. 10B, paragraph 2/TUE). As a result, **the supranational institutional and functional (as regards the concrete attributions) feature** is not excluded from the field covered by Title V/TUE (foreign activity of the Union and CFSP field, including ESDP feature). The special feature of this field (that is not subjected to the shared competence between the Member States and the Union) is given precisely by the original combination of features that are specific to the intergovernmental dimension with features of the supranational side (**“a competence of the Union” in the CFSP field, showing, in this integrationist approach, precisely an assignment of state’s competences to the Union**, so that the roles of EU institutions as the Commission, the European Parliament and also the role of the High Representative (“of protecting the Union’s interests”) in the field of the Title V/TUE would not be justified).



Consequently, **the Treaty of Lisbon creates a contradictory legal situation that will generate further confusions and discussions, on the legal nature of CFSP** (legally and organically connected to the field of the “foreign activity of the Union”); it is a field where “**the Union has competences**” (Art. 11/TUE) but **is not a field of shared competences** (according to Art. 2C/TUE, where CFSP is not included); likewise, Art. 2A, paragraph 4/TFUE uses an expression that generates confusion: “the Union is competent, according to the provisions of TUE, to define and apply a common defence policy”. CFSP has a special feature, as we mentioned before, because, although the states assigned competences to the Union in this field (paragraph 4, Art. 2A/TFUE), this is not of the “shared competences” because TUE bans the issue of legislative documents in this field. According to Art. 10C, new paragraph 1/TUE, the special feature of CFSP is consecrated on normative and procedural level: “the common foreign and security policy is object of the application of special norms and procedures”.

However, paragraph 2 of Art. 10 C/TUE, amending the Treaty of Lisbon, generally **represents precisely a relativisation of the states’ sovereignty principle, since the EU Member States can not elaborate and apply independently their foreign policies anymore** (that is, by ignoring the special integrationist background of the EU).

Even if CFSP remains a bastion of the royal prerogatives of the Member States (**the foreign policy of a state being traditionally considered a field of the “exclusive competence” of the states<sup>6</sup>, even though is not mentioned among the “essential functions of the states”** listed in Art. 3a, paragraph 3/TUE, that the Union is legally obliged to observe), it stays also open to the integration trend (CFSP, in this hypothesis, even if it is an intergovernmental field at present, may be **subjected to the integration in the future, as a dynamic field that is susceptible of change**, including by the entering, by unanimous decision of the Council, the voting rule by qualified majority within CFSP, as the treaties - TUE, TFUE - do not ban this).

To this purpose, Art. 10C, paragraph 2/TUE, amending the Treaty of Lisbon, **clearly provides various aspects restricting the legal content of the state sovereignty principle in this field** (the

foreign and security policy, including in the future the states defence that may be “progressively transformed in a common defence”): “within the principles and the objectives of its foreign activity, the Union exercises, defines and applies a common foreign and security policy based on the development of the mutual political solidarity of the member states, the identification of issues of general interest and the achievement of a higher and higher degree of convergence of the actions of the Member States”. These three principles and objectives of the Union clearly **limit, in our opinion, a royal prerogative of the state-nation**, that is the independent establishment (without external constraint and without pledging to self-limiting this right by its participation as state to an integrationist entity) its foreign policy and foreign relations on international level with other subjects of international law.

They may reply that the **Union does not compel the Member States to elaborate and apply the common foreign and security policy** because this policy forms progressively, by the convergence of the political actions and positions of the Member States, **so it is a classical multilateral policy** (to which the unanimity vote of the states that have the decision, through the Councils, adds) **and not a supranational policy** (decided by the Commission, for example, or by the Council but by qualified majority). On the contrary, the entire Chapter V/TUE could be understood as the sovereign and freely expressed will of the Member States of the EU to further establish a common foreign and security, of a common defence policy. In other words, the **states** are the ones that choose to form the Union as complex entity, having also an integration feature, to assign it competences, to fix it legal obligations, to confer it legal personality and to create progressively common policies for it (such as CFSP). As a result, **within this approach, the state sovereignty principle would not be affected, as CFSP is only a form of high cooperation between sovereign states that remain subjects of international law and that can withdraw from the Union at any time.**

In order to **outline the special feature of CFSP** towards the forms of cooperation between the states (classical multilateralism) and the fields of shared competences (between the Member States and the Union), a reference to the Art. 13a/TUE, new paragraph 3 is sufficient (CFSP is applied not only



by the EU Member States, but also by the Union's High Representative). Moreover, in this field, the High Representative, in his capacity of President of the Council of Foreign Affairs, contributes by his proposals to the elaboration of CFSP and ensures the application of the decisions adopted by the Councils; at the same time, the High Representative represents the Union for issues related to CFSP, has, on behalf of the Union, the political dialogue with the third parties and expresses the position of the Union within the international bodies and the international conferences; while exercising his mandate, the High Representative is supported by a European service for foreign activity.

When the Council defined a common approach of the Union, there is a double legal obligation for the High Representative and also for the ministers for foreign affairs of the Member States to coordinate their activities within the Council (Art. 16, letter c/TUE, amending the Treaty of Lisbon); at the same time, the diplomatic missions of the Member States and the delegations of the Union in the third states and within the international organisations, according to the same Art. 16. letter c/TUE, are obliged to cooperate between them and contribute to the elaboration and application of the common approach. Other legal obligation (under Art. 19, paragraph 2, iii, new paragraph 3/TUE) is in the CFSP field of the Member States of the EU, that should request the High Representative (when the Union defined a position concerning a theme on the agenda of the UNO Security Council) to be invited within this council for presenting the position of the Union.

All these legal provisions clearly demonstrate that, within the Union, as regards the relation between the Member States and the Union (the field of the foreign activity of the union, CFSP field), **this legal relation is special, having an integrationist aim, in spite of the intergovernmental features that continue to characterise them (a multilateralist cooperation), a relation that is able (due to the legal integrationist nature of the Union, as an entity based on the assignment of state competences) to affect the state sovereignty principle, its double dimension (internal and external) as mentioned above.**

On the other hand, although the Union remains an original legal entity (while can not be classified either as a state or as an international intergovernmental organisation<sup>7</sup>), under Art. 24/

TU, in the modification brought by the Treaty of Lisbon, **may conclude agreements with one or more states or international organisations in the fields in Chapter II, Title V/TUE** ("Special provisions on the common foreign and security policy"). **This legal provision** (considering the legal nature of "integration entity" of the union, through TUE and TFUE) **may be added as substantiation to the perspective according to which the "competence of the Union in the CFSP field (Art. 10C, new paragraph 1/TUE) is not a competence similar to that one exercised by an international cooperation organisation** that is by observing the state sovereignty principle, on an international legal level, **but a special competence**, exercised by the Union under Art. 46A/TUE, a competence assigned by the states to the Union in a field that is traditionally royal (foreign and security policy).

### **2. State sovereignty principle and common foreign and security policy, according to the Treaty of Lisbon**

According to the new Art. 28A, paragraph 1/TUE, in the modification brought by the Treaty of Lisbon, **an integral part of the common foreign and security policy is the common security and defence policy**, policy that provides the Union, in accordance with the same legal provisions, with "an operational capacity based on civil and military means", that EU may use "within the missions outside the Union in order for maintaining peace, preventing conflicts and reinforcing the international security, according to the principles of UNO Charter". For the small and medium states within the Union, that are susceptible as regards the maintenance of their sovereignty as Member States of the EU (especially in case of the "newcomers", states of the Central and South-Eastern Europe), the compatibility between section 2 ("Provisions on the common security and defence policy"), Chapter 2 ("Special provisions on the common foreign and security policy") of TUE, amending the Treaty of Lisbon, and the state sovereignty principle is considered as an issue of great significance, whereas these states regained their political independence once with the end of the Cold War and the fall of the Soviet Union and its influence areas and are not willing to "give it up again" to other political entity (namely, the European Union).



This is why **the Treaty of Lisbon avoids expressions** that could rouse these susceptibilities (that could also arise in case of “older” states within the union, considering that the model of the “state-nation”, as a Westphalian term, continue to be essential in the current stage of evolution of the Union that did not reach a federal level either): “assignment/transfer of the **sovereign** attributes of the Member States”, “assignment of the sovereignty exercise to the Union”, “transfer of **sovereign** rights to the institutions of the Union” or other similar expressions that would refer to the idea of an affection, limitation of the sovereignty of the Member States of the EU participating to the process of European integration.

As regards the **compatibility between the provisions of the Treaty of Lisbon concerning CFSP and the state sovereignty principle**, aspect that we should consider as being essential for elaborating a “Romanian vision” over the Treaty of Lisbon as reformatory legal document of the European integration process, we have to adopt a systematic interpretation for decoding the actual legal feature of the sub-field CFSP.

Thus, while analysing the compatibility between the provisions of CFSP and the state sovereignty principle, we should consider firstly the provisions of Art. 3a, paragraph 1/TUE (modification brought by the Treaty of Lisbon); thus, according to the principle of assigning competences, “any competence that is not assigned to the Union under Treaties, belongs to the Member States”. **Is CFSP a field where competences have been assigned to the Union?**

If we consider Art. 3a, paragraph 2/TUE (through which **the Union expressly assumes the obligation to observe the essential functions of the state**, especially those ones that ensure the territorial integrity, maintain the public order and protect the national security”) following the provision in the same Art. 3a, paragraph 2/TUE according to which “in particular, the national security remains the exclusive responsibility of each Member State”, we could say that **CFSP, while referring precisely to these essential state functions (defending the national security, providing the territorial integrity functions)**, represents a field with a clear integration objective where the Union has received competences, although it is a field of the exclusively state competences.

The Treaty of Lisbon does not list expressly the exclusive competences of the Member States, but we could consider Art. 3, paragraph 2/TUE as being such an Article (including an exemplificative “list of the state’s essential functions” that is a “reserved field” for the Member States of the EU and a legal guarantee of the fact that the Union will expressly observe it).

In this case, the paradox on CFSP and the competences of the Union in this field (**concerning the defence aspect, so a “royal field” of the states, that could be classified in the “reserved field” of the states**, mentioned in Art. 3a, paragraph 2/TUE) can be solved easily, through the systematic interpretation of the Treaty of Lisbon, that is by firstly considering **CFSP as a sub-field**.

CFSP is included in Chapter 2 (“Special provisions on the common foreign and security policy) and Art. 11, new paragraph 1/TUE, in the amendment brought by the Treaty of Lisbon, expressly mention “the competence of the Union as regards the common foreign and security policy” including (express provision of Art. 11, paragraph 1) “all fields of the foreign policy, as well as all issues concerning the security of the Union, including the gradual definition of a common defence policy that may lead to a common defence”. As long as the Art. 11, paragraph 1/TUE (master-article for CFSP) clearly stipulates that there is “a competence of the **Union**” including in “all issues concerning the **security of the Union**”, this make us consider **CFSP a field that is subjected to an integration tension, in spite of its intergovernmental nature, a field where, in our opinion, competences were assigned from the states to the Union (according to Art. 11, paragraph 1/TUE), concerning one of the essential functions of the state (defence)**.

Two legal expressions are used in Art. 11, paragraph 1/TUE (“competence of the Union in the field of CFSP” and reference to the “security of the Union”), while we can not consider the Union as a general background for the coordination of the policies of the Member States anymore but, in Art. 46A/TUE, it receives legal personality, becoming a legal person that is distinct from the Member States.

These two legal expressions emphasizes the **flexible nature, opened to integration, that CFSP has**, in spite of an opposite **intergovernmental nature with features that can not be denied either**.



The special feature of the sub-field CFSP is given by the express provision in Art. 10B/TUE, paragraph 2, in the amendment offered by the Treaty of Lisbon, concerning CFSP and the fact that “the common foreign and security policy is object of the application of special norms and procedures”. This special feature of CFSP and the sub-field CFSP, under the Treaty of Lisbon, arises also from Art. 11B, paragraph 2/TUE (Article including features that are specific to the intergovernmental nature of CFSP and, by extension, valid also for the sub-field CFSP: definition and application of CFSP is made by two intergovernmental institutions, the **European Council and the Council**; rule of the **unanimity** vote).

But, on the other hand, CFSP, according to Art. 11, paragraph 1/TUE is applied **both by the High Representative of the Union for foreign affairs and security policy** (that we consider as **having a supranational legal nature** through its attributions, in spite of the name of “High Representative” and the Member States (showing that CFSP and the sub-field actually have **a dynamic and flexible nature** where both intergovernmental institutions such as the Councils, representing the interests of the Member States, and supranational institutions, representing the interests of the Union or the citizens of the Union, High Representative of the Union, European Parliament are involved).

The application of CFSP needs the involvement both of a supranational institution (the High Representative) and the Member States (Art. 11, paragraph 1/TUE), so shows an actual composite legal nature of CFSP (and implicitly of CFSP). The elaboration of these policies is intergovernmental (CFSP is defined by the European Council and the Council) following a procedure (unanimity vote) that is specific to the multilateral cooperation (so there is not an “integrationist” rule concerning the vote). Moreover, the Treaty of Lisbon recognises “specific roles” for other two supranational institutions (the European Parliament, the Commission), “defined by the treaties”, in the field of CFSP, meaning that in these fields a competence of the Union is exercised through its supranational institutions, distinct from institutions representing on this level (European) the interests of the Member States.

**The special (we would say “composite” because it combines intergovernmental and supranational features) nature of CFSP, by the**

**Treaty of Lisbon**, is outlined by Art. 11, paragraph 2/TUE, where the **content of the competence of the Union, the objectives and principles on which it is based** (from the perspective of the states newly-entered into the Union, such as Romania, this provision clearly expressing the integration, that is susceptible of affecting the content of the state sovereignty principle, as basic principle of international law) are expressly specified; thus, “within the principles and objectives of its foreign activity, the Union has, defines and applies a common foreign and security policy based on the development of the mutual political solidarity between the Member States, the identification of issues of general interest and the achievement of a higher and higher degree of convergence of the actions of the Member States”.

This Article should be imperatively correlated to Art. 12/TUE, amending the Treaty of Lisbon, clearly listing the competences of the Union in the field of CFSP. Although this field is not an “integrated” field (while the prohibition of adopting legislative documents in the field of CFSP and, implicitly, in the subfield, is construed as a “rebuff of the integrationist trend”), CFSP is a political field, where the Union (through its accredited institutions) adopts decisions (according to Art. 12, letter b/TUE) defining the actions to be taken by the Union, the positions that have to be taken by the Union, as well as the methods for applying the decisions above.

Moreover, other provision of integrationist nature of Art. 12, letter c/TUE (implicitly applicable to the subfield) that can be construed by any Member State of the EU as a **limitation of the legal content of the state sovereignty principle** – the issue of its compatibility with this principle thus arising - is the one that refers to the competence of the Union in the field of CFSP of “consolidating the systematic cooperation of the Member States on their policy orientation” (considering that in the international law, within the content of the state sovereignty principle the following are also included: the right of the state to freely and independently establish, without being constrained or influenced by anyone, its domestic and foreign policy; its right to establish and develop according to its free will, without any outside involvement, its relations with other states). These rights are considered within the international law doctrine<sup>8</sup> as inherent to its full sovereignty because, while



exercising its rights, the state should exercise its sovereignty in its entire wholeness without any hinder or limitation (UNO Doc. A/5746/1964).

Considering the participation of the states (through the ratification and entering into force of the Treaty of Lisbon to an integration entity under development such as EU, **the issue of the full exercise of the sovereignty of the Member States of the EU within the Union, that is the exercise of the rights above belonging to the legal content of the state sovereignty principle becomes an issue of greater and greater significance** powerfully influencing, in our opinion, the capacity of sovereign subject of international law of the Member States of the EU (in their legal relation with the Union and the third states).

From this perspective, through the consecration by the Treaty of Lisbon of a “common foreign and security policy” that also includes “the common security and defence policy”, a clear limitation of the legal content of the state sovereignty principle arises in spite of the unanimity vote, maintained in these fields as an intergovernmental feature. By their essence, the foreign policy of a state, its security policy and defence policy needs the exercise of an “essential function of the state” under the Treaty of Lisbon, of a function related to its sovereignty. By the consecration, in an international treaty, based on the covenant freely expressed by the Member States of the EU, of a “common foreign and security policy” including a “common security and defence policy” including the gradual definition of a common defence policy of the Union (the new Article 28A, paragraph 2/TUE), **an assignment of competences by the Member States to the Union in “royal” fields of the state is noticed, as well as a clear integrationist finality of CFSP** (in particular, as regards the development of the “common defence” on a higher integration dimension, and a “common defence of the Union, respectively”).

The time when, according to Art. 28A, paragraph 2/TUE, the European Council will unanimously decide the execution of a “common defence”, will actually mean a definitive assignment (considering the indefinite length of the Treaty of Lisbon) of a sovereign attribution of the Member States, to the Union. In our opinion, through the provision of the Treaty of Lisbon, CFSP, although has a composite nature (combining intergovernmental with integration features) is a field opened to an

integrationist finality (“the common defence of the Union”) and thus is a contradiction of Art. 3a, paragraph 2/TUE through which the Union pledges to observe the “essential functions of the state, in particular those ones that have as object the assurance of its territorial integrity, the maintenance of the public order and the defence of the national security”.

The state sovereignty principle, implying a full independence of the state and its exclusive right to establish a defence policy and provide its defence and national security, is limited concerning its content, among others, by the new paragraph 3, Art. 28A/TUE, amending the Treaty of Lisbon, through which an “European Agency for Defence” is established that, with other attributions, “participates to the definition of a European policy concerning capacities and munitions”, attribution that is extremely significant whereas concerns an integration of these sectors with national competence and not an intergovernmental (mainly) policy as CFSP.

They might reply that the **Member States, precisely under their sovereignty, by concluding this Treaty (of Lisbon) agreed** to form the field of CFSP (and a subfield), so actually there is not an affection of the state sovereignty principle. CFSP and the subfield were created following certain engagements freely assumed by the member states of the EU and not “by an outside involvement”, restraint or foreign influence that would have affected, under the international law, the state sovereignty principle.

For the small and medium size states in the Union, mainly for those ones in the group of the “new members of EU” (namely, Romania), any affectation of the sovereign nature of the state represents an infringement of the sovereignty principle, as basic principle of the international law, **towards which each provision of the Treaty of Lisbon should be construed**, including the provisions concerning the assignment of competences to the Union in **fields related to “the essential functions of the state” as well as the foreign policy, the security policy** (fields where “by assignment of the competences, a “common foreign and security policy” is formed) defence policy of the state (on European level there is also a common security and defence policy”). **The same as in case of CFSP, even if it is not a field of the “shared competences” between the states and**



**the Union** (as an attempt of sparing, through the Treaty of Lisbon, the susceptibility of the Member States as regards the keeping of the fields of the foreign, security and defence policy exclusively within their competence, by their classification as “state essential functions” – Art. 3a/TUE, that the Union is obliged to observe, so to not assume competences in these fields), in case of CFSP there is (through the amendments brought by the Treaty of Lisbon) a special situation.

**The Treaty mentions the idea of field subjected to the “competence of the Union”** (through Master Article 11, paragraph 1/TUE), **even if it does not nominate CFSP within the field of “shared competences”** (Art.2C/TFUE). The special nature of the subfields CFSP is implicitly showed by the provision of Art. 2A, paragraph 4/TFUE, title I (“Categories and fields of competences of the Union”). According to that article, the Union is competent, in accordance with the provisions of TUE, to define and apply “a common foreign and security policy, including to gradually define a common defence policy”. Consequently, same as CFSP, the subfield is **one where the “competence of the Union” can not be excluded without the possibility though of adopting legislative documents** (aspect that would have showed a classification of CFSP as a field subjected to the “shared competences”, according to Art. 2A, paragraph 2/TFUE).

This means **a controversial and vague position, somewhere between an intergovernmental nature of CFSP** (unanimity vote: decisional competence of the Councils) **and a supranational nature** (the special role in this field, of the Commission that, with the High Representative, may propose the use of national means, as well as instruments of the Union, as necessary; the right to make the proposal, of the High Representative, of adopting a decision concerning CFSP, under Art. 28A, paragraph 4/TUE, the supervision by the High Representative of the civil and military aspects of the missions provided in Art. 28 B, paragraph 1; the High Representative is compulsorily consulted by the Council where adopting a decision through which it establishes the permanent structured cooperation and when adopting the list with the participant Member States, under Art. 28E, paragraph 2/TUE).

If CFSP is not included in the field of the “shared competences, then what kind of competences does

the Union exercise in these fields, under Art. 11, paragraph 1/TUE? It is clear that within the field of CFSP and its subfield, both the Union and the Member States (directly or through the Councils) exercise specific competences. So, neither CFSP nor the subfield constitute clearly intergovernmental fields, nor clearly “integrated” fields; they are not classified into the “reserved field of the states” mentioned in Art. 3a, paragraph 2/TUE either (concerning the “essential functions of the state” that the Union is obliged to observe), as long as, by the Treaty of Lisbon “a common foreign and security policy” is established (expression that emphasises the creation of intergovernmental policies, exercised by the states on European level). These policies are not “integrated” yet (they are not named “European policies” in the Treaty, that is of the Union, but “common policies”) in spite of integration elements that can be found within their content.

Although it has a special nature (it can not be classified as a field of “shared competences”), CFSP, the subfield has an integrationist finality and its elaboration, execution and application take place under integrationist principles, as in the case of CFSP, mentioned in Art. 10C, paragraph 22/TUE.

Consequently, **they can not say that it is a subfield that would not affect the state sovereignty principle even if the Union does not exercise in this case “sovereign rights assigned by the states” but has a “competence”** (Art. 11, paragraph 1/TUE). According to the international law, the sovereignty, as an essential feature of the state power, can not be split while exercising it. Its **unique, indivisible and plenary nature opposes to the share of its content**<sup>9</sup>; the sovereignty can not be either reduced or transformed into a “competence”, because it represents **a fundamental attribute of the state**, and its hindrance, affectation or transfer to other entity would lead to the affectation of the existence of the state itself<sup>10</sup>.

From this perspective, they can easily notice the contradiction between Art. 3a, paragraph 2/TUE, amending the Treaty of Lisbon (the obligation of observing by the Union of the “essential functions of the state”) and Chapter 2 (“Special provisions on the common foreign and security policy”) of TUE, chapter that also includes the provisions concerning CFSP (within this Chapter any “assignment of sovereign rights” or “the exercise



of the sovereignty” by the states to the Union is not mentioned, but only the “competence of the Union”, meaning that, under Art. 1/TUE, **the Member States assigned competences to the Union, in the CFSP field and the subfield).**

From the perspective of Art. 3a, paragraph 1/TUE, establishing the rule according to which “any competence that is not assigned to the Union by treaties belongs to the Member States”, we understand that **the Member States would exercise competences and not sovereignty within the Union and in relation with the Union as distinct legal person. CFSP does not include any express legal assurance according to which, as far as it is concerned, the Union would be obliged to observe the state sovereignty principle and no logical correlation of the CFSP section with Art. 3a, paragraph 2/TU is not established either. State sovereignty principle and common foreign and security policy, according to the Treaty of Lisbon State sovereignty principle and common foreign and security policy, according to the Treaty of Lisbon.**

On the contrary, the vision of the Treaty of Lisbon is contradictory, on one hand **expressly identifying “the core” of the state sovereignty** (by state “essential functions” concerning directly the territorial integrity, the national security) and the obligation of the Union to observe it as such (practically, Art. 3a, paragraph 1/TUE establishes the obligation of the Union to refrain from any intervention in the exercise, by the Member States, of these “essential functions” **and on the other hand, the Treaty of Lisbon consecrates within the Chapter 2/TUE, “the common policy” precisely in these “royal fields” of the states** (foreign policy, common defence, security policy). Even if these policies are not considered within the Treaty as “intergovernmental” (thus protecting the sovereignty of the states, as long as they are not assimilated into forms of multilateral cooperation where the states do not assign competences), the existence of the “competences of the Union” (that can not be mistaken for those of the Member States) is not explained in the field of CFSP and the subfield.

Practically, within this vision, the Treaty of Lisbon does not establish any compulsory reference to the Art. 3a, paragraph 2/TUE but, on the contrary, **it leaves CFSP field and CFSP subfield opened to certain integrationist amendments**

certainly affecting the state sovereignty principle as regards the international law: let us just think of the flexible expression in Art. 11, paragraph 1/TUE, mentioning the term “security of the Union” (without defining it, so that controversies might arise whether there is a “common security of the Member States” or a supranational security, of the Union as quasi-state entity that assumed “an essential function of the state” by assignment of competences, under an international treaty).

At the same time, the Art. 11, paragraph 1/TUE uses the expression (showing a **evolution of the Union towards an integration stage where the defence function, as an essential state function, specific to a sovereign state, is exercised on supranational level**): “the competence of the Union [...] includes [...] all issues concerning the security of the Union, including the gradual definition of a common defence policy that might lead to a common defence”. The Art. 28 A, paragraph 2/TUE mentions the same thing, including an essential terminological stipulation though, that is the integrationist finality of CFSP and the evolution towards the exercise of the defence function, as state function, on European level, by the Union though (we will see whether shared with the Member States or exclusively – that would practically mean a clear federalisation of the EU system): “the common foreign and security policy includes the gradual definition of a common defence policy of the Union”.

Even if the “common defence” will be based on a unanimous decision taken within the European Council, even if, in this case, the Council will recommend the Member States to adopt a decision according to their constitutional norms, the quasi-federal level within the evolution of the Union through the exercise of the defence function on the European level, shares (or exclusively by the Union) by a progressive involvement of the EU institutions is achieved or at least its legal bases are constitutive.

The Art. 28A, paragraph 2/TUE, by its nature that is **opened to changes and flexible**, giving the possibility to reach a higher integration degree within a key-field for the state sovereignty, **leads to an actual possibility of affectation of the sovereignty principle**, aspect that is not liked by all Member States, depending on their position towards the process of European integration (“sovereignists” or “integrationists”).



In our opinion, (considering the international law and the existing doctrine in this matter, the Member States of the EU can not appeal their will autonomy when concluding the Union treaties (including the Treaty of Lisbon) if **these treaties bring, by their integrationist provisions, affectations of the state sovereignty principle** (that, on international legal level, is a *ius cogens* principle). The assessment of the content of these treaties (TUE, TFUE, in the elaboration of the Treaty of Lisbon and of the latter) is essential from the perspective of the state sovereignty principle. *Ius cogens* is an exception in the international law, by which the content of the international treaties can be limited (when assessing the compatibility of these treaties with *ius cogens*)<sup>11</sup>. The free consent of the states on international level, given when concluding a treaty, is not relevant of the treaty concerned comes into conflict with *ius cogens* (in this case, if it is susceptible to prejudice the state sovereignty principle).

While requiring norms of cooperation and coexistence of the states, as norms of international law, the sovereignty excludes the existence of a super state authority (the following question arising: Does the Treaty of Lisbon **establish, by its provisions, mainly Art. 11/TUE, as well as the whole Chapter 2/TUE, in the field of CFSP and the subfield of CFSP, flexible methods for transferring from the multilateral cooperation to forms of integration facilitating the gradual establishment of an authority that is superior to the states?**).

According to the doctrine<sup>12</sup>, we should not mistake the state sovereignty (that exercises also in fields regulated by norms of international law) for the “reserved field” of the states (as field where no norms of international law have been adopted).

To this purpose, **“the essential functions of the state”** observed by the Union, according to Art. 3a, paragraph 2/TUE are a **“reserved field of the states” within their specific relation with the Union** (the concept of “essential functions of the state” should be construed within the specific context of Art. 3a/TUE, as “field where the states **have not assigned** competences to the Union”, whereas the Union pledges to observe these “essential functions” (obligation that also **includes not to adopt legislative documents or other norms of law of the Union in these fields**). The paragraph 1 establishes the assumption according

to which the competences that are not assigned through Treaties to the Union, belong to the Member States (in corroboration with paragraph 2, it means that, whereas they are “essential functions of the state” and the Union pledges to observe them as such, **no competences were assigned to the Union in the fields where “these essential functions” are exercised**; moreover, due to their nature of “essential functions of the state”, they require a **full, exclusive, unique, indivisible** exercise **by all Member States**, so they actually are a “reserved field” where no action of the Union is allowed).

According to paragraph 2, Art. 3a/TUE, amending the Treaty of Lisbon, we understand that they are **functions related to the state sovereignty** (although they are defined as “essential” and not as “sovereign”, any reference to the sovereignty principle being thus avoided so that a firm and clear legal obligation of the Union for observing this principle is not expressly established, principle that the Member States that concluded the treaty are obliged to observe, according to the international law), from the content of these functions we understand that: **they refer to aspects considered in the international law as elements of the sovereignty principle**: the territorial integrity of the state (that is a distinct principle of international law and confirmed, as norm of international law, through UNO Charter) requiring the observance of the exclusive sovereignty of the Member State of EU on its territory; the national security of the state (requiring the exercise of the defence function of the state, both as internal sovereignty, exercised exclusively on the territory and external sovereignty, as political independence of the state, in relation to the other states).

The paragraph 2, Art. 3a/TUE **does not define these concepts** (“national security”, “public order”, “territorial integration”) meaning a implicit, **compulsory reference to the constitutional norms of the Member States and the norms of international law** (including the principles of international law) for the definition of their precise content. At the same time, paragraph 2, Art. 3a/TUE is flexible enough whereas it establishes an exemplificative and not a restrictive listing of the “essential functions of the state”, **allowing thus the Member States to add other functions, considered as “essential”**, to this listing (that is to widen up the content of the sovereignty,



discretionarily, in relation to the competences assigned to the Union). Secondly, the “essential functions” of the states, that can not be assigned to the Union whereas they have a sovereign nature, should not be mistaken for the “competences” assigned by the states to the Union, in other fields.

**This logic of the Treaty of Lisbon is contrary to the ideas of unique, indivisible, inalienable, full sovereignty that the states have.** It makes an unjustified classification into “competences” (that can be assigned to the Union) and “essential functions of the state” (that the Union has to observe) that **can not produce legal effects** whereas it does not consider the legal features of the sovereignty of the states, giving priority to the “competence theory”. Only from this perspective (of the “assigned competences theory”) pledges of the states such as those in the field of CFSP and subfield that are not (at least in the amendments brought by the Treaty of Lisbon) fields of pure intergovernmental cooperation but having doubtless integration elements, as mentioned in this section, are justified.

### NOTES:

<sup>1</sup> The establishment of super-state organisations such as EU is regarded by a part of the legal doctrine as a form of misrepresentation of the democratic content of the sovereignty, a denial in one way or another of this principle, an attempt to minimise its significance for the relations between the states under the contemporary international law. See Gheorghe MOCA, **Suveranitatea de stat și dreptul internațional contemporan**, Ed. Științifică, București, 1970, pp. 163- 165. The state sovereignty principle is regarded, in other opinions, as “the best line for defence, protection of the unique identity of the states and their freedom, recognition of the state dignity in a world of power and resources inequality”. See Ion DIACONU, **Tratat de drept internațional public**, vol. I, Ed. Lumina Lex, 2002, București, pp. 275-276.

<sup>2</sup> As traditional prerogatives of the states, under the sovereignty principle (see Grigore GEAMĂNU, **Drept internațional public**, vol. I, Ed. Didactică și Pedagogică, București, 1981, pp. 142-145).

<sup>3</sup> This High Representative is actually “EU Minister for Foreign Affairs” to which the constitutional treaty rejected by the referenda in 2005 from France and the Netherlands referred. In spite of its name, the High Representative, as consecrated in the Treaty of Lisbon signed on 13 December 2007, has the super-national attributions of the Minister in the former

project of European Constitution, so it represents an integrationist reformatory element, very important for the whole evolution of the Union. The consecration of this High Representative of the Union in the Treaty of Lisbon is a significant progress aimed at reinforcing the presence of EU on the international stage, facilitating the convergence of the national foreign policies of the Member States towards the achievement of a common foreign policy. See also the analysis of the institution “EU Minister for Foreign Affairs” whose attributions were taken over by the High Representative in the Treaty of Lisbon, in the book of Francois Xavier PRIOLLAUD, David SIRITZKY, **La Constitution Européenne. Texte et commentaires**, La Documentation française, Paris, 2005, pp. 97-100.

<sup>4</sup> According to the competence theory, the sovereignty concept should be replaced by that one of “competence” defined as a power assigned by a superior legal system to the subjects of law. The representatives of this theory are G. Scelle, H. Kelsen, P. Guggenheim, Ch. Rousseau. This theory is actually a denial of the sovereignty, whereas the sovereignty would not exist as an original attribute of the states under which they establish the international law. The states would only have a competence delegated by a legal order that is superior to them, contradicting directly the coordinating feature of the international law. See Grigore GEAMĂNU, **op. cit.**, pp. 151-152. But in the international law the sovereignty is tantamount by certain legal advisers (Jean TOUSCOZ, **Droit international**, PUF, 1993) to an assumed competence of the state. Unlike other subject of international law, the state, under its sovereignty, has an assumed competence in international level, with a conditioned recognition though, of the exclusive, autonomous and full feature of this competence (because in certain pledges of states under their sovereignty, they might limit the exclusive feature of their competences, such as the integration of the states into EU). See Raluca MIGA-BEȘTELIU, **Drept internațional. Introducere în dreptul internațional public**, Ed. All, București, 1998, p. 87.

<sup>5</sup> The doctrine emphasizes the important place that the state sovereignty principle has in the system of the fundamental principles of the international contemporary law, in providing equal democratic international relations, the observance of this principle being responsible for the observance and the actual application into the international practice of the states of all other principles and norms of international law. See Ludovic TACAKCS, Marțian I. NICIU, **Drept internațional public**, Ed. Didactică și Pedagogică, București, 1976, pp. 33-34.

<sup>6</sup> Ion DIACONU, **op. cit.**, pp. 278-279, Gheorghe MOCA, **op. cit.**, p.85.

<sup>7</sup> A part of the European law doctrine considers that EU and EC (previously signing of the Treaty of Lisbon



in 2007) are different and superposed entities, where one of the entities includes the other, without making it disappear (this situation is not met again in the Treaty of Lisbon, granting legal personality to EU and abolishing the European Community, succeeded in rights and obligations by the European Union). See Jaqueline Dutheil de la ROCHÈRE, **Introduction au droit de l'Union Européenne**, Hachette, Paris, 2002, pp. 25-27 ("EC and EU differ from the regular international organisations, they are neither states, nor super-states, even though their identity and constant concatenation may be revealed by attributes borrowed from the state vocabulary: territory, citizenship, legal personality"). The Union is a "virtual international person that can not be classified within the international classic law" (see Jean Claude GAUTRON, Loic GRARD, **Le droit international dans la construction de l'Union Européenne**, Colloque de Bordeaux, Société Française

pour le droit international, **Droit international et droit communautaire. Perspectives actuelles**, Pédone, Paris, 2000, p. 80). EU is "a new moment of the European construction, contrasting with the centuries when the state was the dominant political actor", the institutional system of EU not having the force and coherence of that in a evolved federal state (see Philippe MANIN, **Droit constitutionnel de l'Union Européenne**, Paris, Pédone, 2004, pp. 1-2).

<sup>8</sup> Gheorghe MOCA, **op. cit.**, p. 85, Ion DIACONU, **op. cit.**, pp. 276-277.

<sup>9</sup> Grigore GEAMĂNU, **op. cit.**, vol. I, p. 143.

<sup>10</sup> Gheorghe MOCA, **op. cit.**, pp. 23- 34.

<sup>11</sup> Ion DIACONU, **op. cit.**, pp. 359- 362, Grigore GEAMĂNU, **op. cit.**, p. 91 (concerning the compatibility obligation between the international treaties and *ius cogens* so that the treaties have a licit nature).

<sup>12</sup> Ion DIACONU, **op. cit.**, p. 284.

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# HUNGARY'S SECURITY AND DEFENCE POLICY IN THE NEW GEOSTRATEGIC ENVIRONMENT

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*The aim of this article is to give a summary of the most significant changes of the security environment and situation of the Republic of Hungary, since the end of the Cold War.*

*Keywords: Hungary, security policy, defence policy.*

The Warsaw Pact ceased to exist in 1991 and since then Hungary, along with other Eastern European countries, has been searching for the most appropriate answers to the security challenges it was facing. There were five alternatives: neutrality, building a regional security structure, developing a fully independent security structure, re-joining an Eastern security structure or joining Western security structures.

To become a “neutral” state, the guarantees of the so-called Great Powers were missing, as none of the UN Security Council members was willing to grant such a guarantee.

The idea of forming a new regional structure did not promise to be stable and stay long, due to the obvious differences of the interests of the small countries in the neighbourhood and the region. Moreover, it was and it is obvious that any small alliance formed would remain weak against any Great Power, no matter if it is only a Great Country or a Great Alliance existing in a part of the world. Even though there was a regional cooperation structure established this time, the so-called Visegrad-four (V4) comprising of Poland, the Czech Republic, Slovakia and Hungary. This alliance, without being a security policy alliance, had only one security policy aspect, namely promoting the overall integration preparation process of its member states.

The re-orientation on the East was simply not attractive, due to the historic experiences, while Western integration at that very moment did not seem feasible. The only security option remaining for Hungary was the formulation of an indigenous

security concept, which was explicitly formulated in Hungary's first ever “security policy document” and its “national defence policy document”, endorsed by the Parliament in 1993. These parliamentary documents have already expressed through the Hungary's security and defence policy concerns on the long run could best be addressed only by joining NATO and the European Union. At that time, reaching these goals it did not seem possible within a short period of time, e.g. within a couple of years, the above two documents stated that, until the accession to the Western alliances becomes feasible, Hungary will have to rely on its own means and devices in order to provide its own security. By coming to this conclusion, Hungary did not stand alone, as most of the countries in Central Europe have come to the same conclusion at nearly the same time. This was reflected in the security policy documents of other Central European countries as well.

Another feature of these documents was that they were the first ones to reflect a new, more complex understanding of security and security policy, namely extending the purely military based security concept by adding also other elements of the civilian society, namely the social, economical, environmental and others. These documents have also stated that, despite being a complex unit, security of a country is one and indivisible. Among the new-type elements of security, the two documents also listed: the risk factors to security, namely ethnic conflicts, economic instability, organised crime and mass migration.

The documents also expressed that security of a country can be ensured through is economic, foreign and defence policy. Based upon these statements, Hungary's “triple priority” in security became the accession to the Western alliances (NATO and EU), good neighbourhood connections and support of the Hungarian minorities living mostly in the neighbouring countries. Yet, the



armed forces' (called in Hungarian the "Honved" Army, in English National Defence Forces) basic mission remained to be ready to defend homeland territory against any potential aggressor. The national defence policy of this time was based on the triple principles of "cooperation, deterrence, defence", keeping the employment of the armed forces for the purpose of defence of the country as the last mean. Both the National Security and the National Defence document have stated that Hungary considers no other state to be its enemy.

There have been considerable changes in the Hungary's security environment, between 1993 and 1998. The post-Yugoslav crisis escalated further away from Hungary's border in South-Eastern direction, and with the exception of Kosovo and FYROM, it got beyond its peak. By that time, the so-called CFE Treaty on the traditional weapons in the region started to function effectively, the programme's "ceiling lowering part" was more or less successfully achieved by withdrawing over 58 thousands of heavy armaments from the tables of organisation and equipment (TOE) of the countries here thus eliminating the chances of a sudden general attack by any of the countries on the continent. Ukraine, Hungary's Eastern neighbour, has given up its nuclear armament (by handing over its nuclear warheads to Russia) and joined the Atomic Ban Treaty, as a country free from any nuclear armament. Yet, the most important change in the security environment was the chance to join the Euro-Atlantic security structures, a day-to-day reality from a distant dream.

All these changes necessitated the renewal of the country's security policy. This happened at the end of 1998 when the Hungarian Parliament approved Hungary's Security and Defence Policy Document. This took already for granted the country's membership in NATO, and although it contained quite many elements from the previous national security document, it also had many new elements and features.

One of the most important old elements was that Hungary does not see any other country as its enemy.

Among the new features, there were the mentioning and listing of tasks deriving from our membership in the Alliance, of which the most important was the eventual participation in armed peace support and crisis management missions abroad, but we also could list among the new tasks

the different other crisis management methods and conflict prevention.

The above document set as a task for the Hungarian government - to develop a separate national security and a national military strategy. But, in order to achieve it, it took later longer time than foreseen.

The Hungarian Republic's National Security Strategy was published in 2004, as a government's decision, and it listed three national and international documents as fundamentals: the previous Hungarian Security and Defence Policy Document, NATO's Strategic Concept of 1999 (which was approved already with Hungarian participation) and the European Union's strategic level document ("A secure Europe in a better world").

This Security Strategy lists Hungary's priorities, the country's vital interests, analyses the immediate region's security, the threats lurking in this region and it provides a list of tasks and the means available, in order to reach these goals. The documents set out of the complex understanding of "security" especially when analysing the risks. It lists the goals, the tasks in order to ensure the nation's security, but when it comes to the means available, it concentrates basically on two state run mechanisms only: the armed forces and the security services. The main reason for this is that, by the time the document was published, the international terrorism became the main common threat to all Allied nations, by rendering all other factors of threat as secondary.

The security strategy's last chapter practically concentrates on stressing the need for the so-called security sub-strategies, listing a military strategy, a counter-emergency strategy (for the event of natural disasters). The Hungarian National Military Strategy was elaborated.

2004 brought an important, historic change in the life and functioning of the Hungarian Defence Forces: the abolishment of conscription (by leaving it to the government's freedom of decision to re-establish it should the country's interest necessitate it). That is why Hungary, from that moment, has had only two classes of soldiers: the professionals (officers, NCOs) and those ones serving under contract (officers, NCOs and soldiers).

Hungary joined NATO – along with the Czech Republic and Poland – in 1999, only eight years after the disintegration of the Warsaw Treaty. The



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accession formed a shaky situation for the country, as none of its neighbours were members of the same alliance. This meant an island-like situation by in no direction being linked to another NATO member country. On the other hand, Hungary was directly bordering the instable and volatile Balkans geographic area. No surprise that the Hungarian government has always been among the most vehement supporters of the further NATO expansion. The next NATO expansion round was announced at the Alliance's Prague Summit in November 2002. This time, seven countries were invited (Romania, Bulgaria, Slovakia, Slovenia, Estonia, Latvia and Lithuania). After the ratification period, all of them have become full fledged members, growing the number of Allied nations to 26. Some important geostrategic events had an impact on this extension, felt in the security situation of Hungary:

- the time of the NATO island was over, as Hungary got linked to Allied territory through Slovakia, Slovenia and Romania;
- NATO formed a closed ring around the troubled Western Balkans territories;
- NATO reinforced its stabilizing role in the Baltic and Black Sea regions;
- NATO got closer to Russia geographically, including the small Russian enclave of Kaliningrad fully encircled by NATO allied countries.

There have been improved the chances of elaborating a really overarching European security and defence policy. At present, Hungary has NATO and EU member countries as its neighbours. Hungary is strongly supporting the integration of the Western Balkans' countries into the Euroatlantic security structures, which is a fundamental element of our security policy. We believe that, on the short run, Croatia has the most chances in this region to get integrated in these Alliances. Yet, Hungary is most interested in ensuring that Serbia's

and Montenegro's advancement on the way of integration is uninterrupted and sound. Among the many reasons, we would mention the significant Hungarian ethnic minority living in Vojvodina (Vajdaság). We support NATO's Mediterranean Dialogue for the same security concerns, and we welcome such a dialogue for both great Alliances.

Finally, a few words about the the Hungarian Defence Forces' role and tasks. The bottom line is that their situation is not easy and it is complicated. It has been in constant reorganisation and decrease in the past 17 years and practically all Hungarian governments could add something to the long list of "mistakes done". The defence budget in the '90s decreased faster than the armed forces themselves. Just before joining NATO, upon expectations from the Alliance, at that time, the government decided to raise the defence budget to the 1,81% of the GDP. In 2004, this raising process was halted and changed into decrease again. It is obvious that this has a backlash effect on the capabilities, but still, the Hungarian Defence Forces are present in all Allied peace-support and crisis management missions.

As for our niche capabilities, the Hungarians are traditionally strong in the engineering and medical fields, in water supply and in Special Forces.

Getting ready to face the so-called new type of challenges is a requirement for all NATO and EU member countries. If these countries want to face it shoulder-to-shoulder, there are some requirements that can not be bypassed: interoperability and ability to participate in multinational (joint) units, long range air transportability and autonomic functioning are all listed in the requirements lists of the two great Alliances, which we all have to strive for. Hungary is striving to achieve them for its armed forces and will capitalise its will on the advantages offered by the membership of the Euroatlantic hemisphere's great Alliances.

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# THE IMPORTANCE OF THE ECONOMIC FACTOR IN DEFINING SECURITY

*Leonida MOISE, PHD*

*Economy has always played an important role in ensuring security. A country that disposes of a functional economy, together with modern technologies, can promote major social policies and a corresponding security strategy. In the global economy, the interdependence of states is constantly increasing, or, a modern management implies the correlation of internal forces with the changes and tendencies that sometimes appear unpredictably, on the international scene. From this perspective, knowing all the aspects that rely on economic development in the national environment but also those within the interfaces of the global economy, gains distinct meaning with direct implications on security.*

*Keywords: economy, economic component, security.*

The economic component of security, no matter if we refer to the individual, national, international security, has a special relevance in this international context, because any stabilizing or turbulent element of the world economy has an impact upon the national economies, with obvious consequences on the way of life of every citizen of the planet, irrelevant where the latter would find himself. However, essential in approaching the idea of economic security is the conceptual approach which offers the possibility to identify the main assumptions regarding the definition of the concept itself and its significance, at different stages of analysis. It must be underlined ever since the beginning that the international economic system is characterized by powerful integrating forces, as compared to the political international system that is defined through anarchy.

The phenomenon of globalization exerts also a real and overwhelming pressure on the national economies, although some researches assert that a myth has been created regarding globalization so

that the world economy is actually an international economy<sup>1</sup>.

Today it is hard to imagine that the economy of a state may reach technical performances if not interconnected to the international economic circuit. There are researchers that sustain the fact the international economy has grown so much that the international capital has the tendency to become more and more independent of the states' interests<sup>2</sup>. However, there are opinions stating that the international economy is in continuous dependency on the political international system; in this case, the role of the governments is very important in establishing economic national priorities, thus becoming an essential entity in promoting economic interests<sup>3</sup>. Although the political system as well as the economic one disposes of own structures and dynamics, which ensure a certain degree of independence, however, the link between them is quite powerful to be mutually influenced. Every state represents a part of the global economy, which is individualized in the international economic system, especially because it represents a particular structure. The supporters of maintaining the role of the state in the economy assert that even under the circumstances of state globalization, they are far from being powerless in confronting the global market forces. In their vision, the states will continue to have an important role in creating the national wealth and social wellness, because the national management is subjected to a continuous change, just as a consequence of economic challenges.

As a result, the countries dispose of enough capabilities to adapt to the change, situation which does not suppose their retraction from the economic management or diminishing contact with other economic actors that are part of the international system<sup>4</sup>. The competence of the state refers to its capacity to promote the internal



adjustment strategies that, linked with the effort of the economic groupings, are improving or transforming the industrial economy. These kinds of strategies target the entire structure of the system from sectors that are found to be in decline as well as aspects linked to the dissemination of technology, an important element in creating new industries<sup>5</sup>.

The dilemma of security is stressed out in an anarchic system by the inequalities existent in the economic development of the countries, the powerful ones and the states that are in decline are perceiving mutually the military and economic measures taken for maintaining the security, as threats to their stability. An analysis of economic security under the terms of market economy allows us to reach very interesting conclusions regarding the approach of this extremely important subject of security. The market economy system is by definition a competitive system, the dynamics of which is set according to opportunities and vulnerabilities existent on the market and it is based on the principles of the offer and demand, which means that both profit and bankruptcy are two specific traits that may occur at any moment. The prosperity of a state is fundamentally linked to its capacity to remove from the economic environment the units that are not performing and to sustain the most innovative and efficient strategies that would lead to economic performances. Under these circumstances, one cannot speak of an absolute security from the economic point of view. Moreover, the objective degree of insecurity in which the individual units of the system may be found from the above mentioned reasons, lead to none the less the idea that the economic security is a contradiction in terms.<sup>6</sup> The functionality of the system is based on the liberty of action of the units in the market economy. In other words, without accepting insecurity, one cannot speak of a viable system. Should this aspect of insecurity of the units be accepted as a reality instead of a fatality, one may speak about the concept of systemic security, in which security at the economic and political level is nevertheless present, having at the same time a compensatory effect, offering some important benefits like a higher standard of living, guarantee of the fundamental freedoms, expressing the political pluralism, etc. According to Giacomo Luciani, "no economic system, no matter how complex, may avoid the link between

vulnerability and the cost efficiency"<sup>7</sup>. The tension between vulnerability and efficiency is easily observed at almost all the levels of security. This is why it's interesting to analyze the situation of security starting from the individual level and up to international system. At the individual level, the economic security has a diversity of aspects starting from material conditions and ending with basic human needs: food, water, shelter, education as far as the right to work and wellbeing. Interesting reflections can be made taking into account the dual identity of the individual, as consumer and producer. It is normal that, as a consumer, the individual likes the market so that he may choose the product which best suits him, in terms of price and quality, and in the posture of producer, he might oppose to the market, should this threaten his working place or his income. Following this logic, it can be appreciated that the choice has no use if the consumer has no work and no money, the same as if he had money and work but nothing to buy on the market. The economic development avoids this kind of extreme situations and it allows a relative security.

Should the economic security of the individual be perceived as being the right to a certain place of work or an increased benefit, the problem if such desiderates may be fulfilled on the market. Except for some favourable situations, the authorities cannot effectively control the economic performances, due to the fact that there are some economic sectors in decline and others in expansion, fact which determines the maintenance of a very unstable unemployment rate that, in its turn, leads to salary fluctuations. This way by trying to reduce the economic vulnerability of the individual increases the risk to affect general efficiency of the economy<sup>8</sup>.

Other levels of analysis for the economic security are the firms or the companies. In a more concrete manner, the security of a company can be ensured through adaptability strategies to the fields' challenges, both from the technological point of view as well as from the managements'. Companies are creations of functional convenience that in a certain environment may prosper or go bankrupt, may be absorbed or broken up without any major consequences for the state's existence.

It is customary that the security interests of a company to determine the increase in prices for the products they produce, situation that implies



a contradiction towards the individual security<sup>9</sup>. Companies that operate in this way sustain the fact that such economic policies are the only way to ensure their institution's survival. It is true that some companies have a strategic importance for the national security and if sometimes the state may finance some sectors of the economy which are in difficulty, just by taking into account the role and place of the latter in the ensemble of general development of the society. The state's economic security is extremely important for the existence and good functioning of the latter, because it represents a fundamental element of national security. Economic security of the state implies pointing out some aspects which are extremely necessary in understanding and administrating correctly security problems of any state entity. The survival of a state is immediately linked to the access to the main resources of raw materials that allow the cycles of production to satisfy the current needs of the population and ensure a harmonious economic development. For the states that do not dispose of enough resources, participating to the international commerce for acquiring the necessary materials and goods necessary to the industrial development is an essential condition of their economic security. The states which find themselves in such situations must adopt flexible operating strategies that allow continuous provisioning, diminishing as much as possible the vulnerabilities determined by the unpredictable evolutions on the international scene<sup>10</sup>. The oil crisis or more recently gas crisis show the importance of this aspect that may be used as a political weapon, threatening not only economic security, but also the political stability.

The security of a state depends in great measure on the way that the latter manages to adapt to the most advanced practices promoted in the international system. The incapacity of understanding the sense of development of human society, and even the late enforcement of some measures in the economic field, only increase the degree of vulnerability and insecurity<sup>11</sup>. The economic success of the states in the Asian and Pacific area or China's, sustains the validity of this assertion, because they have applied a corresponding management to the principles of the market economy, and in a relatively short time they have gained remarkable economic success.

If individual and social security depend on ensuring a place to work and the increase of income, then it is necessary that the state takes

measures not to end up at the discretion of the disturbing elements of the market economy. Logically, such objectives accompany electoral campaigns, including in the countries with a liberal traditions, but the reality is that the forces of the market act in such a market that such desiderates cannot be entirely obtained. In a world in which the liberal way of thinking has taken over, despite the attraction that the mercantilism still presents, most of the developing states have given up the strategy of substituting imports and have adapted to the conditions required by the market economy<sup>12</sup>.

Also, there are researchers that state the power or weakness of the state depends on the position that the latter occupies in the world's economy. In this regard, the states in the centre of the system have a powerful structure and the ones at the periphery have a weaker structure<sup>13</sup>. The states in the centre of the system do not have a fixed position, their movement being determined by economic forces that migrate in search of maximum profit, as a result of the changes in the social, technological and political conditions. From the comparative analysis of the two concepts, liberal and mercantilist, result two elements that define the importance of the system: firstly, the tension between the two strategies that has a special effect on the market and on the production structures and secondly, the existence of the structure centre - periphery, with major implications on the position of the states in the ensemble of the system. If the secret of economic security regarding the position of the state is its position assumed in the international economic relationships, at the level of the system, the security is ensured by the stability of the ensemble of market relationships. To be more accurately, when the ensemble works normally, some actors are well; some are less well, depending on how efficient the management they promote is. But, if major crises appear in the market activity, there are serious consequences for all the system's actors. Just as mentioned, the mercantilists are in favour of the integrity of the national economy, promoting protectionism as a way of defending this integrity, while the liberals try to create a world economy, interdependent, with the participation of all its state entities irrelevant of their size.

Despite the fact that the market economy has its own internal tensions and dilemmas, the advantages are incontestable and are linked to the



idea of economic efficiency. The market opens numerous opportunities of capital and technology flow, situation which determines the change of the states' position inside the system, which can only be realized in a closed economy. An example in this regard is Great Britain, which, at the end of the 19<sup>th</sup> century, was the most developed country, and Japan was just starting to move away from feudalism. Japan's access to the Western technologies permitted it to reach and overpass many indicators of economic performance belonging to the most powerfully industrialized states. An extremely important problem is the global action of the market and the anarchic structure specific to the international politic environment. It's interesting to analyze the way in which the two components influence one another, the political and the economic component. As it results from the initial approach, the inexistence of a world's government makes the economy work in a very politically instable environment.

From this perspective, it can be appreciated that a world's government with extremely well-defined tasks and attributions would suppress the tendencies specific tot the market economy, where the freedom of movement is a condition in itself of the liberal theory. Consequently, political anarchy is a favourable environment for the market, the components being interdependent. Taking into account the current tendencies of international economy, we witness a well set up security community between the main centres of power in the contemporary era, fact which creates the premises of collaboration on clearly identified objectives<sup>14</sup>. Because a global system is hard to maintain and to run, the existence of these centres and blocks that would generate sustainable liberal economies remains a viable alternative. The relationships between those centres must be thought in accessible formulas that would respect the dominating principles and currents of the world economy, thus avoiding a strongly concentrated international economy<sup>15</sup>.

From the perspective of globalization, the forces of the market are very comprehensive which means that the national frontiers are irrelevant and, consequently, the possibilities of the state's intervention are seriously limited. Nevertheless, there are opinions that try to show that the phenomenon of globalization has its negative effects, and that overvaluation of the concept is not

in line with actual facts. The concerns regarding the effects of globalization in the economic domain refer to the growing independence in-between national economies and their degree of dependence on transnational investments. The global character of investments and production reflects the growth of international mobility of capital and the commerce liberalization. The capital movement has increased, due to the information technology which allows a rapid communication regardless the frontiers. As modern communication means have allowed to transnationals to intensify their multinational operations, the activities and resources have been more and more developed and transferred to other countries, assuring the capital, the investments and the technologies the possibility to move away from nonperforming areas into more effective locations. Another minus of globalization signalled by some researchers is the length between wealth and vulnerable savings, because profit is the force that insures the labour movement. Also, any analysis of the globalization phenomenon needs the acknowledgement that there is indeed an improvement on efficiency and performance, which led to an individual freedom for many citizens, but the failure to assure a social equity impedes the use of economic opportunities for various citizens. The mercantilist theory has been infirmed various times; the free conception is also submitted to criticisms. This way liberalism is blamed to be ignoring the social and political nature of the human being and that it promotes the rights of the individual through the effort of the community. The trait of the liberalism, of protecting the individual and the property, legitimates some social inequalities that tend to progress if necessary corrections are not made. Feminist theories blame liberalism for tolerating some practices that have impeded women to enjoy certain opportunities and have imposed a status of less important citizens. The representatives of postmodernism assert, in their turn, that liberal institutions deprive individuals of a large scale of options that should be available to them. However, with all these short- comings, liberalism has imposed with authority and at the beginning of the 21<sup>st</sup> century, according to Fukuyama, it has the chance to the human society: "*If events continue to occur like in the last decades, it's possible that the idea of a universal and directed history that leads to a liberal democracy to seem more plausible to*



*people and that the relativist deadlock of modern thought to be solved by itself*<sup>16</sup>.

We must also reveal the fact that, in order the market mechanisms to function well, it's necessary that the states located at the centre of the system, the powerful ones, assure a certain level of international order under the circumstances in which destabilizing elements appear. It is not easy to maintain such an order, taking into account the fact that leading states or the hegemonic ones confront inevitably with numerous decline crises and in the overall system they must adapt continuously to new configurations of power. The existence within the system of less developed states determines reorientations in which the capital and technology infusion may penetrate areas that allow economic efficiency. Under these circumstances, internal and international effects of unequal development orient the states towards protectionist policies, not of mercantilist inspiration, which prove the destructive link between anarchy and interdependence. In this regard, Gilpin states that *"economic nationalism is more likely to have a significant influence on international relations as long as the state system exists"*<sup>17</sup>. Almost all the specialists in economy agree to the fact that the market system is a cyclic one and that after a period of economic expansion there follows a period of recession.

The basic characteristics of such a moment are: decrease in stocks, decrease in exports, limiting bank loans, and cost reduction, etc., phenomena that will accompany both national economies and the international one<sup>18</sup>.

In a tensed situation of the international system, such economic crisis may affect the national security system and international security as well. In order to reach to economic competitiveness, the developing countries must adopt strategies that consist of eliminating loss and restructuring the economy, effects that are foreseen on the long-term, but producing social dysfunctions, unemployment on the short run.

A compendious analysis of the tendencies in the economic sector during 2008 brings to our attention the importance of this domain for ensuring security at all levels.

In a study published in January by the World Bank, it is mentioned that economic success in this year will be assured in the countries that will adopt strategies that will allow the dissemination of technologies in all economic sectors. Also, in

the study it is mentioned that superior rhythms of economic growth have been registered in developing countries like China, India and Vietnam that represent the revelation of the past few years, unlike the strong industrialized countries that have had lower rhythms of growth.

Although the price of the oil barrel has reached 100 \$ at the end of 2007, quotations of some analysts may reach as much as 150 - 250 \$/barrel; however, the same study forecasts a calming of the price for 2008, and the equilibrium price being around 84 \$/barrel. For the countries trying to consolidate their economy, the World Bank recommends, among others, to sustain innovation and the use of modern technologies at a national scale, the increase of economic efficiency and productivity of work and allocating at least 3% of the GDP for development, out of which 1% should come from private funds. The study of the World Bank also comprises a few references to our country. After it estimates an economic growth rhythm of 6,5 %, the study draws attention on the fact that the Romanian economy is still vulnerable due to the fiscal policy, the bureaucracy and the current account deficit.

Although, in general, there is a negative public perception on the chances of the Romanian economy, it must be underlined that lately, due to the FDI and the initiative of Romanian companies, the economy has started to function better, and as proof there is the constantly increasing rhythm in 2006 and 2007.

The European Union's directive regarding credits brings about some important news with immediate implications on the consumers.

Therefore, within 14 days after the credit is approved, the client may refuse the credit without paying any penalties, the consume credit rising from 20.000 to 70.000 euro, with the amendment that it does not reach over indebtedting. The essential condition is still the development of the real economy and the maintenance of the inflation within a reasonable level, this being the only way to increase the purchasing power.

The diversity of nowadays makes the countries recur to development methods of integration in the market economy that differ from one another. China is a very good example in this regard, which registered a very high rhythm of growth, but with the price of giving up the democratic regime in favour of political stability.<sup>19</sup>



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# THE IMPACT OF TERRORIST ATTACKS UPON THE GLOBAL ECONOMY

*Codrin Horațiu MIRON,  
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*9/11 attacks (USA, 2001), the London bombings (UK, 2005), the Sharm el-Sheikh bombings (Egypt, 2005), the bombing of commuter trains in Madrid (Spain, 2004) are probably the best well known terrorist attacks in recent history. Along with innocent deaths, new terrorism acts and global terror, they have brought severe impact upon the global economy.*

*As a direct result of the 9/11 attacks, private insurance payments are expected to be the largest for any single-event loss in US History and far in excess of the losses for any terrorist-related act in the world. The economic impact resulting from a downturn in travel and tourism was enormous, estimated at between \$7-13 billion in lost revenue and 25,000 lost jobs by 2003. The stock market closed for 6 days after 9/11 and DJIA (Dow Jones Industrial Average) fell 684 points (7.1%) on that particular day, falling 1369.7 points (14.3%) by the end of the week, the largest point drop in the history.*

*The article analyses two catastrophic events and their effect upon the global economy, while discussing the measures which should be taken to prevent the economic effects of such attacks, as well as the measures need to be taken to counteract the terrorist attacks themselves.*

*Keywords: terrorism, global economy, Business Continuity Plan.*

## **Terrorism: Definition and Background**

As defined by the Romanian Law 535/2005, “terrorism represents the unlawful use or threatened use of force or violence against people or property to coerce or intimidate governments or societies”, often to achieve political, religious, or ideological objectives.

In 2004, at an International Round Table on Constructing Peace, Deconstructing Terror hosted by Strategic Foresight Group, it was recommended

to make a distinction between “terrorism” and “acts of terror”. While “acts of terror” are criminal acts as per the domestic jurisprudence of all states, terrorism comprises the phenomenon of including the actual acts, the perpetrators of acts of terror themselves and their motives.

In a report [UN Reform], the United Nations Security Council described terrorism as being any act “intended to cause death or serious bodily harm to civilians or non-combatants with the purpose of intimidating a population or compelling a government or an international organization to do or abstain from doing any act”.

Terrorism incidents are not new to humankind. First instances appeared as early as the 1<sup>st</sup> century in Judea when a group of radical Jewish Zealots (called Sicarii) murdered Romans, Herodians and other Jews they considered treacherous to their kin.

One of the most catastrophic terrorist events ever known to man kind took place on September 11, 2001 when 2,997 were killed in a series of hijacked airliner crashed into two US landmarks: the World Trade Centre in New York City, the Pentagon in Arlington, Virginia. A fourth plane intended to hit US Capital Building crashed in Somerset County, Pennsylvania, after an apparent revolt against the hijackers by the plane’s passengers. The attack was carried out by Al-Qaeda.

On March 11, 2004 in Madrid, Spain, 191 died in a coordinate bombing of commuter trains. The attack was “signed” by Al-Qaeda as well.

On July 7, 2005 bombs explode in the London underground and in a double-decker bus killing 56. This was the first suicide bombing attack in the Western Europe and is also known as the 7/7 attack. The bombings took place a day after London was chosen to host the 2012 Summer Olympic Games and while UK was hosting the first day of the 31<sup>st</sup> G8 Summit. The tourist resort of Sharm el-Sheikh was the site of an attack on July 23, 2005 when 88



died after several explosions at the market and in front of two major hotels. Perpetrated by a Wahhabi organization, the attacks were the deadliest in Egypt's history.

### **The economic effects**

After the 9/11 attacks, a lot of research has been done about future potential terrorist attacks on the USA. However, much of the debate revolved around the cost of human lives and psychological effects rather than on the economic impacts. It's important to assess the short-term impact, the long-term impact and the future impact of terrorist attacks upon the world's business environment.

As a direct result of the 9/11 attacks, private insurance payments are expected to be largest for any single-event loss in US history and far in excess of the losses for any terrorist-related act in the world. Estimates of insurance losses are as high as \$32.5 billion (Harrwig apud Dixon). As a comparison, the losses resulting from Hurricane Andrew in 1992 were \$20 billion.

In addition to the immediate economic impact of the attacks on the New York economy, estimated in November 2001 to reach as much as \$83 billion, there are significant longer-term economic repercussions in terms of business relocation, loss of tax revenue, fall in property values, a drop in tourism and its impact on the retail, hotel and leisure industries.

Business and consumer confidence were both severely affected. With confidence already low by early September 2001, it plummeted to the levels seen following the Iraqi invasion of Kuwait in 1990 and beyond those ones seen after the terrorist attacks in the 1990s.

Forecasts for economic growth were downgraded as a result, reduced by 0.5% for 2001 and 1.2% for 2002. Although the real GDP did fall in the third quarter 2002, it actually increased in the final quarter.

The economic impact resulting from a downturn in travel and tourism was enormous, estimated at between \$7 billion to \$13 billion in lost revenue and 25,000 lost jobs by 2003.

Visitors were expected to fall by 14% in 2001 compared to the previous year. However, despite their devastating impact, these effects were to prove relatively short-term with a rise in hotel occupancy rates six months after September 2001.

The NYSE (New York Stock Exchange), the American Stock Exchange and NASDAQ were closed on September 11th, 2001 and reopened on September 17th. NYSE facilities and data processing sites were not damaged but member firms, customers and market weren't able to communicate due to the damages of the telephone facilities. It was the longest closure since the Great Depression in 1929, DJIA (Dow Jones Industrial Average) fell 684 points (7.1%). DJIA had fallen 1369.7 points (14.3%) by the end of the week, the largest point drop in the history, US stocks lost \$1.2 trillion in value that week.

Between 9/11 and September 25, an estimated of \$ 2 trillion were lost in world equity markets, 20 of the world's major stock market indexes dropped by more than 10 percent, and 32 national indexes dropped by at least 8 percent, as stated in a report by Ernst & Young. At the same time, at least 15 currencies dropped in value by 4% or more relative to US Dollar.

A report by the Federal Reserve Bank of New York concludes that the cost of doing business in New York has risen as a result of a number of factors, not least slower and less efficient transportation due to logistical disruption and security delays; increased spending on security; higher insurance premiums and the emotional toll on employees who live in fear of future attack, the latter of which is a hidden cost which may reveal itself over time in an increase in stress related absenteeism.

As for the 9/11 attacks' impact on the UK, following September 11<sup>th</sup>, the IMF was to downsize its forecast of UK economic growth in 2002 by 0.6% from 2.4% to just 1.8%. Actual growth for 2002 reached just 1.6% according to the Office of National Statistics, the weakest economic growth for more than a decade. More worrying still for London business, the ONS highlighted the hotel and restaurant sector as contributing to the gloomy situation in 2002.

Air travel, tourism and financial sectors, especially the insurance and banking sectors, were the immediate targets right after the attacks. EU offered limited compensation to its airline and insurance industries for losses incurred during the four-day closure of the US airspace and the subsequent direct impact on passenger confidence, as stated in a European Commission Report.

The impact of declined travel and tourism was felt mainly by East Asian countries, such as



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Singapore and Thailand that are directly linked to the US economy in terms of exports and which mainly depend on these industries. The European and Caribbean countries were also affected. Although in some European countries tourism makes up to 5% of the GDP, in countries such as Costa Rica, Dominican Republic and Mauritius it accounts for 6.6%, 9.6% and 13% of the GDP, respectively.

Comparisons of the economic impact on New York following 9/11 and on London following the recent attacks in July 2005 must be undertaken with great caution since the extent of the damage was in itself incomparable.

The London Chamber of Commerce and Industry conducted detailed interviews with directors of more than 50 member businesses, starting exactly one month after the 7/7 terrorist attack. Respondents reported that their employees still harbour genuine concerns about travelling on public transport, leading to increased costs in travelling by car or taxi. An export trading firm based outside central London reported that it had changed from getting its staff to deliver important shipping documents to the city and had instead begun using couriers.

One firm, a large frozen foods manufacturer based outside central London, reported that although the attacks had no impact upon customer numbers or trading figures, their business had nonetheless been disrupted.

The latest research shows that even before the first attack on 7<sup>th</sup> July, business confidence in London had slumped to levels not seen since the eve of the Iraq war in 2003.

The attacks have not come at a good time for the London economy, not just in seasonal terms at the beginning of the summer tourist peak, but also in economic terms. Economic growth in 2005 was the weakest since 1993.

Certain sectors of the London economy have received a boost since the attacks, most notably security companies, taxi firms and cycle stores.

Planet Hollywood, for example, has offered children free dining in an attempt to reverse a fall in trade. Londoners themselves should be encouraged to support local businesses. It is disappointing to see, from *The Guardian's* research, evidence suggesting that it may be Londoners themselves who are leaving the centre in the evening rather than the tourists.

Location is one major factor in determining how different tourist destinations have seen their business affected. Central London destinations such as the Tower of London and Madame Tussauds have seen visitor figures drop to up to 15% below those ones for the same period in 2005 while outer London destinations, such as Kew Gardens and RAF Hendon, have seen figures raised by 10% and 14% respectively.

After the London attacks on July 7<sup>th</sup> 2005, there were rather limited immediate reactions in the world economy as measured by the financial markets and exchange rate activity. The pound (£) fell 0.98 cents, but the stock markets felt less than expected. The FTSE 100 Index fell by 200 points in two hours following the attack, making it the biggest fall since the start of the war in Iraq, triggering the stock market's special measures (business continuity plans). The same day it recovered 71.3 (1.36%) points by the time the market closed. In France, Germany, the Netherlands and Spain the markets also closed 1 per cent down on the day. However, US market indexes rose slightly, in part because US dollar index rose sharply against the pound and euro. DJIA gained 31.61, NASDAQ composite index rose 7.01 and the S&P 500 rose 2.93 points. The markets picked up again the next day and it was clear the damage caused by the attacks were not that great as initially thought.

Because there was little disruption to the extended supply chain, there was no evidence of the knock-on effect that the business community had feared.

In the long term, the terrorist attacks can have a lasting negative impact if the policy responses, especially from the US and the EU, are slow and can trigger a reversal of the global economic integration that has characterized the economic scene over the past twenty years. Economic uncertainty created in the wake of terrorist attacks has its own dynamics and would continue shattering business confidence for a long time.

### **Measures to Prevent the Economic Effects of Terrorist Attacks: Business Continuity Management**

As it has been mentioned before, the subject of entrepreneurial business continuity became a substantial part of doing business over the last few years. The understanding of business continuity



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plans, as well as the interest for business continuity and its related policy, has considerably increased since 9/11.

Effective business continuity planning establishes the basis for the company/business to maintain and recover business processes when a crisis or disaster occurs.

One of the popular misconceptions is that “business continuity is strictly IT related”. Business continuity has been defined as the ability of an organization to continue to function even after a disastrous event accomplished by a strategy that includes development of redundant software and hardware and a solid back-up. The threats for a business are not only IT related. They include: earthquake, disease, fire, flood, cyber attack, hurricane and terrorism, based on the organization’s location.

After 9/11, the world has become insecure and the business uncertain. It makes a lot of sense to plan and be prepared for an unexpected event. It is a fact that 80% of businesses affected by a major incident close within 18 months and that 90% of the businesses that loose data in a major incident are forced to close within two years. Furthermore, even after the 9/11 attacks, 23% of the American organizations do not monitor public alerting systems for warning about terrorist threats or other disasters and 85% of those ones who do monitor do not take any action when the Federal government raises the terrorist alert level.

The 9/11 attacks have been followed by other major terrorist attacks against Western interests in Madrid, Bali and London, making terrorism the major reason companies prepare and develop business continuity plans.

Business continuity is all about assessing all the risks and planning in order to avoid them. The current thinking in business continuity recognizes the importance of business continuity planning and disaster recovery, placing an essential importance on risk management, corporate governance and quality management.

Business continuity management (BCM) is the development of plans, strategies and actions that would provide protection and/or alternative modes of operation for those business processes that have been interrupted and if not continued would bring serious damage or potential fatal loss for the organization. The key elements of business continuity management include:

- understanding the environment in which the organization operates;
- understanding the organization’s critical objectives;
- understanding the limits to achieve the objects, the remaining residual risk;
- understanding how it could meet the objects even if an event happens, understanding the role that the stuff plays in a crisis.

BCM emphasizes on the whole business not only on the technology.

The primary output of the BCM is the Business Continuity Plan (BCP). BCP consists of elements that define the approach to dealing with a crisis:

- Initializing the project;
- Identify key business processes;
- Business Impact Analysis (BIA);
- Assessment of every risk in particular;
- Create the plan;
- Test the plan;
- Always develop and upgrade the plan as your business grows.

### **Financial Measures Taken to Counteract the Terrorist Attacks**

After 9/11, the US Government took a series of measures in order to block the financing of terrorist activities. On September 23<sup>rd</sup> 2001, the President signed an act which offers means of annihilating the financial support network behind terrorist attacks and terrorist organizations. The act allows USA to identify and block the funds of foreign persons and organizations which commit acts of terror or present a high risk of pursuing such acts. It also allows the Government to block the funds of foreign people and organizations which offer financial or any other kind of support to terrorists or terrorist organizations.

The September 11 terrorist attacks have brought new and stringent governance and financial regulations regarding the sources of finance, so as to disrupt the financial flows to terrorist organizations. The mandate of the Financial Action Task Force (FATF) has been expanded, with its more stringent rules to be observed by member countries.

More importantly, the paperless transaction called ‘hawala’ - widespread especially in South Asia and Gulf States - has been put under scrutiny while the EU’s upgraded money laundering directives covering professions not even covered



by the US anti-money laundering legislation.

Among the listed terrorist organizations we may find Real IRA (Northern Ireland), Al-Gama'a al-Islamiyya (Egypt), Al-Jihad, which unified with Al-Qaeda in 2001 but might still be active, Al-Qaeda, Autodefensas Unidas de Columbia, HAMAS, Hezbollah, Revolutionary Nuclei (Greece), ETA (Spain).

### Conclusion

This pattern – of economies being too big to be damaged for more than a short period by terrorist attacks - is clearly adumbrated by the respective experiences of the business communities in New York and Madrid. It is important to note that although New York took significantly longer to recover than Madrid, London's experience has thus far been much more analogous to that of Madrid.

The immediate impact of both the 9/11 attacks and 7/7 attacks was felt directly on the industrial, corporate and financial sectors, especially in developed countries. The closure of business lead to unemployment determining low consumption levels, which in turn affected other economies linked to US and EU, such as Singapore and Thailand.

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# INDIA- THE BASIC PILLAR OF A POLE OF POWER IN ASIA-PACIFIC REGION

Marina MUSCAN

*The percent of power owned by India in last decade augmented and shall row constantly, transforming the country into an attractive partner in the region. This shall cause the creation of a pole of power centred around India and able to counterbalance the pole of power exercised by China. India is located in a the relative peaceful zone, with low risk in activation of conventional countervailing conflicts. But, a series of latent conflicts exist in region that can erupt in future. Therefore, India slowly develops its military capabilities. India desires a place in the UN Security Council and a chance to have a determinant role regarding the security in the Asia-Pacific, in order to assure, among other things, its own free road to the oil resources in the Middle East.*

*Key words: military power, conflict risk, and strategic interests.*

## Poles of Power in Asia Pacific

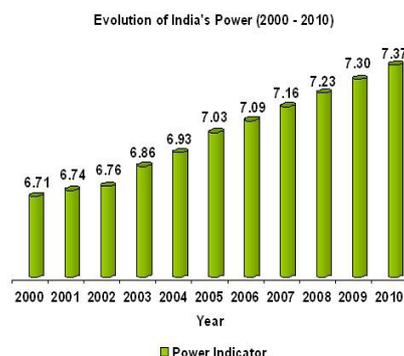
The first pole of power from Asia-Pacific can be articulated around the couple Russia-China and it can attract the group of secondary poles of power formed by Iran, Pakistan and the other group formed by the classic Central-Asian countries (the five Muslim ex-soviet republics), which are near complete reunited, currently, below the institutional umbrella of Shanghai Cooperation Organization (SCO)<sup>1</sup>. Complementarily, the second pole is formed around a second pair that consisted of US and India. This pole attracts two other secondary poles that reunite Japan and South Korea as their axis. Regarding the European Union, its role is to counterbalance two poles mentioned above. But this can happen just if the present power percent of the European Union will not diminish. As per estimations, in future, the index of power of EU shall diminish and with this is shall decreased its influence in the Asia-Pacific region; and the countries that are more likely to gain from this situation are India and China.

If, the two poles will be formed according to the scheme mentioned above, they acquire the following world power:

- the pole centred on Russia-China will acquire almost 17.44% from the world power in 2010;
- the pole centred on US-India will acquire almost 37.53% from the world power in 2010;
- European Union will acquire almost 19.79%<sup>2</sup> from the world power in 2010. We can see that EU can be considered a most likely equal to the first pole than to the second one.

In this explanation grid, the internal dynamic of future system with two major poles of power shall consign a relation of dichotomy based on friendship – antagonism, block cooperation and, respectively, of block competition, last demonstrated by what can be appointed as “cross-rivalries”: US versus Russia, China versus US, India versus China.

The possibility that India can make a pair with US in order to create a pole of power opposed China stands in its capacity to capture US interest, so that US would treat India as a partner with equal rights in this relation. The hypothesis appears to be reasonable, taking into consideration that the index of power of India is growing steadily, according to the next chart:



International Futures v 5.4.5 (IFs) with Pardee – Full Country Set for UNEP, created by Barry B. Hughes



As noticed from the chart presented herein before, India constantly developed its own percent of power, fact that can transform it, more and more, into a desirable partner in the region.

Although we presented previously a line-up of the actors from the Asia-Pacific region into poles which centre two partners, whom shall clash in inevitable ways with the other prevalent couple in region, yet this is hardly to happen. The latest estimations state that the risk for India to become involved in a conventional conflict with one of the big actors from region is near null. Certainly, there is the problem with Pakistan that can degenerate.

For the time being, we can say that India is located in a relative tranquil zone, with low risk of conventional conflicts activation. In principle, the activation of conflict with Pakistan is a more plausible hypothesis, than of a conventional conflict with China, which is presented by the analysts, with good reasons, as the main counter-power for India.

### **India's economic potential**

India is a federal country (28 state plus 7 union territories) and it represents the biggest democracy in the world, from the population's perspective. The ethnical structure of the population is composed from 72% Indo-Arians, 25% Dravidians, 3% Mongols and another ethnic groups; as the confessional structure, 80.5% of population declared to be of Hindu religion, 13.4% are Muslim, 2.3% are Christians, 1.9% are Sikh, and the remaining population, which represents 1.9% belonged to other religions or they declared themselves to be atheists; linguistically, besides Hindi, as the national language (it represents the native language of 30% of the population), English represents lingua franca used for communication at a national level in political and commercial area, to these two languages we can add (Bengali, Punjabi, Sanskrit, etc)<sup>3</sup>.

The economic development of India is a process which continued slowly during the last 25 years. Thus, with an annual Gross Domestic Product (GDB) development around value of 6% between 1980 and 2002 and 7.5% to 8% between 2002 and 2006, India became the most effective economy in the world (only China appears to be able to compete with it). In terms of currency parity regarding the acquisition power India has a GDB

that was measured around 3.611 Billions of USD in 2005, which made India to be the fourth economy of the world (after USA – 12,360, China – 8,859 and Japan – 4,018 billions USD). In 2007, India gained one position becoming the third growing economy in the region. If, in 1975, India generated just 3% from the World Gross Product, currently this economic indicator doubled its value.

GDB per capita near tripled its value in last 15 years, growing from 1,178 USD to 3,051 USD currently (CIA World Factbook estimated the GDB value on 2005 according to the parity of 3,300 USD).

On same temporal period, the number of the middle-class inhabitants quadrupled, enciphering now, depending on the measurement criteria, almost 200-300 billions of inhabitants, and, in same equation, 1% from poor population of the country came to be above the poverty level yearly (the weight of the poor population scaling down by 10 percent between 1994 and 2006)<sup>4</sup>.

The Gini coefficient, which is a measure of statistical dispersion most prominently used as a measure of inequality of income distribution or inequality of wealth distribution, grew from 32.5 in 2000 to just 33 in 2006, comparative with 45 in USA (2004), 44 in China (2002) or 59.7 in Brazil (2004).

India orientated rather toward the domestic market than the exports, towards consumptions, rather than investments, towards services rather than industry, respectively towards high-tech production than low-cost production. As a result, 64% from GDP is directed to the internal consumption; while in Europe 58% of GDP is destined to the internal consumption, in Japan 55% and in China 42%. The economic engine is the tertiary sector represented by services<sup>5</sup>.

The agricultural sector covers 60% from the available work-force, but assures just 18.9% from GDP, while the services sectors, with only 23% from the available work-force, produces 53.8% from GDP. As the industrial sector, which cumulates 17% from available work-force assures 27.6% from GDP.

Outside of three classic sectors of the economy, the quaternary sector (research and development) registered the most spectacular ascension within the Indian economy, starting from the development of the IT industry, which will generate, according to the forecasts quotations of the Indian minister

of External Affairs in Bucharest, 62 billions of USD in 2008, respectively 142 billions of USD in 2012; and finishing with belonging to the select club of countries that have satellites in space (10 for India). Secondly, as per of a different sources, 10% of the researchers and 15% of scientists, in the research/development sector, in the pharmaceuticals and biotechnology in US, are of Indian origin.

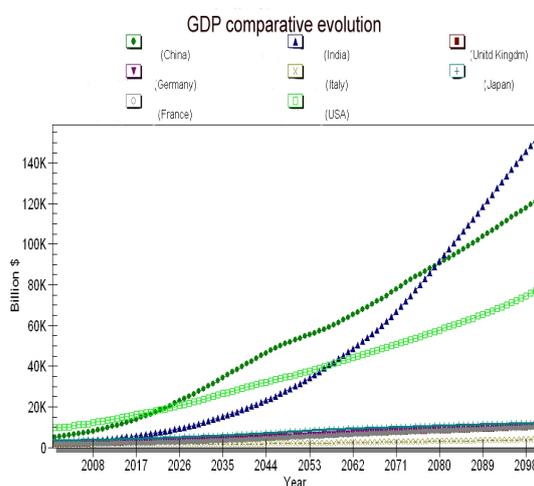
From the series of critical factors, the demography represents, for future evolution of India, both an opportunity and a challenge. With 30.8% of population being between 0-14 years of age and 70% being between 0-35 years of age and with an average national age of just 23 years, India shall not be confronted, at least some decades, with a problem population aging which currently is affecting the occidental Europe; taking into account that just 4.9% from India's population has over 65 years. Even if the prognosis states that India's population will not exceed that one of China until 2030, the majority of the credible estimations support the theory that the number of the working population present on the labour market having 20-24 years of age shall exceed the Chinese working population no later then 2013, again World Labour Organization states, similarly, as, in 2020, the population belonging to respective segment of the age shall be around 116 billions comparative with 94 billions in China. Population represents for India the main power indicator, which shall develop in future and shall determine the accumulation of influence for this state on global level. Now, India's population represents just a natural potential; in time, the index of education shall augment and then India's population shall touch the added potential that shall permit this state to accumulate influence. In 2026 human power will represent the second most important power indicator after GDP for India.

From the socio-economic point of view, even with the significant improvement registered during the last two decades, 25% of the population still lives below the threshold of poverty.

The radiography of the non-economic components of the index of human development urges to prudence in apology of Indian model. The literacy rate touches a value of 59.5% of the population having 15 years, life expectancy is 64.71 years, the rate of the infantile mortality 54.63 to 1.000 of new life born, and AIDS rate in 2001 was 0.9% - equivalent of 5.1 million of

inhabitants (with 310,000 annual deaths caused by the syndrome). The deficiency of access and the imposed restrictions to the healthcare services, the reduced water supplies and the precarious systems of assistances and of social assurances, the growing number of over-populated zones, the environment degradation, aggravated by the used and old infrastructure and the presence (The 88<sup>th</sup> place from 158 countries included within in the report from 2005, with an index of perception of corruption given by Transparency International, of 2.9 on a descending scale from 10 - least corrupted, to 1 - most corrupted), the arch-hierocracy present within the public sector and the reminiscent laws of social traditionalist system based on chaste represent all elements of internal level which throw a partial shadow over the macroeconomic achievements of India and narrows its mid-term development as the major pole of power of the size of US, Russia or China<sup>6</sup>.

However, India is a country with an important natural potential, but it has a limited added potential. The index of the added potential of India shall grow in a constant rhythm, according to the previsions contained in the next chart:



International Futures v 5.4.5 (IFs) with Pardee – Full Country Set for UNEP, created by Barry B. Hughes

The major transformations, which took place in India, during the last 25 of years, were on socioeconomic level, so that India became today a stable state from the political point of view and with an increasing economy<sup>7</sup>. We cannot say that India shall exceed China on the economic level during the next decades, but, certainly, it will accumulate



enough power in order to leave behind the strong states of the European Union in this area. India can surpass China at the economic level in a distant future (2080), but this thing shall happen only if it shall maintain the same level of development.

### India's military power

Once India established its position, one of its priorities became the development of its military capabilities. New Delhi became one of the 187 of subscribers to the Nuclear Proliferation Treaty (NPT). India appeared on the international map as a nuclear nation in 1998, after successfully detonating five nuclear warheads near the boundary with Pakistan. This disturbed numerous countries including Pakistan, which responded with nuclear tests of its own. The following disagreement represented the key point that marked the beginning of the efforts of India to finalize a complete program of nuclear arming. According to the Researcher's Bulletin from the area of atomic physics other nuclear tests were in progress during the summer of the year 2004; then, the Indian Ministry of Defense allocated 2 billions USD for the construction of 300 to 400 nuclear weapons during the next 5 - 7 years<sup>8</sup>.

The beginning of the Indian navy dates back to 1971. Now the Indian navy owns: 1 aircraft carrier, 8 destroyers, 13 frigates, 24 corvettes, 6 offshore patrol vessels, 14 minesweepers and 16 submarines<sup>9</sup>. India occupies the 7<sup>th</sup> place in the region regarding the strength of its navy. For the time being, India does not possess entirely these capabilities, but it makes efforts to acquire them. The only other carriers that are present in the regions are these ones belonging to the countries that have interests in the region as US (12 designated carries, out of which 6 are present permanently in the region following a rotation pattern), Great Britain (3 carriers) and Russia (1 carrier)<sup>10</sup>.

Regarding the manpower, India occupies the second place in the world with the largest population under arms after China. Indian armed forces totalled about 1,325,000 personnel in 2006.

In the world, India occupies the third place regarding the manpower of its army after China and US. Approximately 1200 people are marines, 70,000 are in the air force, 55,000 are in the navy and 1,100,000 are in the army. Unlike other powers like China, which diminished its human resources

and increased its military expenditures, in order to improve the quality of its own hard power, India shows a slight increase in the number of its military human resources, between 2000 and 2006 the number of people under arms augmented from 1,175,000 to 1,325,000.

According to data from 2006, India had 3,978 battle tanks and it occupied the second place in the region after China; it was closely followed by North Korea and Pakistan. The number of battle tanks augmented between 2000 and 2006 from 3,414 to 3,978.

India owns 2817 armoured fighting vehicles and from the artillery viewpoint it has 5,625 towed artillery pieces and 150 self-propelled pieces. India has almost 567 helicopters which are used both by the air force and the navy and 886 fixed wing aircrafts that are also used both by the air force and the navy. The number of fighting aircrafts augmented lightly from 839 in 2000 to 886 at the end of the year 2006.

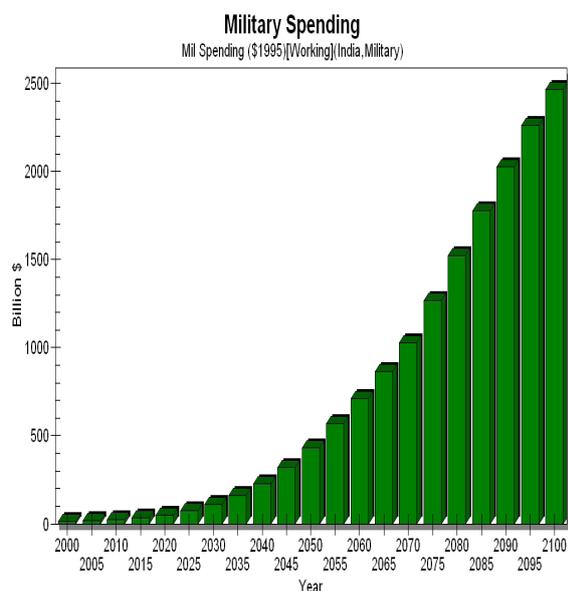
Besides conventional capabilities, India possesses nuclear capabilities worthy to be noted. As per estimations, India has 75 - 110 nuclear warheads, the ray of its ballistic missiles are between 2,000 and 2,500 km, more than the effective range of the missiles owned by Iran, Israel, North Korea, Pakistan and Saudi Arabia.

Therewith, India has 142 launchers, a nuclear submarine and the 392 of its aircrafts are able to carry nuclear warheads. The nuclear submarine has problems with guidance systems and it is far from operational. It is under development with Russian aid. The deployment is scheduled for 2010 or later. Regarding the aircrafts that are able to carry nuclear warheads, these are:

- 147 fighting aircrafts, type MIG-27 from Russia;
- 64 fighting aircrafts, type MIG-29 from Russia;
- 40 fighting aircrafts, type MIRAGE-2000 from France;
- 10 fighting aircrafts, type SU-30 from Russia
- 131 fighting aircrafts, type JAGUAR from Great Britain and France<sup>11</sup>.

India has a total of 392 fighting aircrafts capable of carrying nuclear warheads. We can notice as India makes efforts to adjust its military forces to the worldwide requirements: while the number of people under arms diminishes easy, the military

budget grows notably and it will continue to grow, according to the following estimations:



International Futures v 5.4.5 (IFs) with Pardee – Full Country Set for UNEP, created by Barry B. Hughes

Following the augmentation of military expenditures, the quality of the missions undertaken by the Indian army shall increase exponentially and with it will increase its own *hard power*:

Slowly, but certainly, India augments its military capabilities and, according to the estimations from the chart above, in next century, India will be capable to have a power index competing with one held by China.

Although, as asserted previously, a possible conventional conflict between the two states is much reduced, there is always the possibility of a status-quo conflict between them.

Already, there is a possibility to appear a conflict of interests regarding the oil resources from Middle East, as both India and China are energy consumers. India and China are both interested by the same access route.

### Foreign Policy

As opposed to the economic development, India's foreign policy represents a subject not just a less debated, but also more difficult to analyze. Some of reasons for this "almost careless attitude" and difficulties are due to the still unclear defined status of India within the international

architecture of power; one that is shifting from a power with regional interests (middle ranking power) to an actor interested in demonstrating its global approach; other reasons are due to the complex, unique and with multiple appearances of the internal dynamics of regional subsystem from which India is part of.

In this environment, the major challenge for India and, therewith, the same desire that creates the decision-making process of the internal policy consists in India's capacity of surpassing the "second player" status at the international level.

India is still a second ranking power, despite a series of an impressive power attributes, as population number (second in the world, with chances to become the first one within three decades), its surface, the natural resources (it is the country that holds the fourth most rich coal resources in the world)<sup>12</sup>.

The empiric background of an analysis of the strategy regarding the Indian foreign policy has a triple level, consisting of occurring factors that appear on different levels of the analysis: profoundly, to domestic level, as the direct principles of Indian policy - the autonomy of the decision-making process, maintaining of friendly relations with all the states, the peaceful settlement of the disputes, equity in the approach of international problems raised by the recent multi-polar international system; intermediaries, to regional level, the extremely complex process of decomposition and re-composition of structure power structure in Asia, added to a superior level of the analysis, to the US attempt of "bordering" the emergent power pole formed by Russia-China-Iran, orientated toward multi-polar-ism; proxy factors, that manifest themselves at sub-systemic, non-regional level, having as factor of reference the signing, in this spring, the Civil Nuclear Agreement with US, labelled by some commentators as a spectacular strategic stratagem, that will have a significant impact on the evolution of the international system<sup>13</sup>.

Also, in its turn, India is interested in the route towards the oil in Middle East as China, as pointed out on the following map:

India and China's roads towards the oil resources in Middle East



Pramit MITRA, „Indian Diplomacy Energized by Search for Oil“, Center for Strategic & International Studies (CSIS) in Washington, D.C., Yale Center for the Study of Globalization and Christopher J. PEHRSON, **String of Pearls: Meeting the Challenge of China's rising power across the Asian littoral**, Strategic Studies Institute, U.S.Army War College, Pennsylvania, July 2006.

The same paths that lead to the oil resources from Middle East equally interest both countries and, consequently, they are both interested by the path that includes Gwadar Port. It is to be seen if the interaction of the two powers on same route to petroleum shall call forth a status-quo conflict, which can end in diplomatic tensions.

Leaving behind the circumspect looks that the two countries throw to each other regarding their military power and their diplomatic actions, their economic relations are good. The economic spectacular and symmetric development of the two countries, caused the intensification of the Sino-Indian commercial relations, the economic transfers multiplied sixty times, in just 15 years starting from 300 of millions \$ at beginning of '90s to near 18 billions of US\$ today. This augment transformed China into the main external business partner (the imports from China represent 7.1% from total Indian imports) and - for the time being merely - China is the second export partner (8.9% from total) of India after US.

India wants to obtain the permanent membership within the UN Security Council, as it supported repetitively the policy of this organization, starting from a clear analysis of current world situation.

The strategic partnership with United States is considered, rightfully, the main achievement of the Indian foreign policy. The emerging problem is represented by the possibility India to accommodate its own regional interests, with the more demanding global requirements.

On the other hand, the western Indian shore assures some thousand kilometres of China's

maritime route towards the oil supplies in the Middle East that leads to Persian Gulf – Arabian Sea – Indian Ocean - the Indonesian archipelago – South China Sea, a route dominated still by the US air force, navy and army.

India represents, at least for White House and Pentagon strategists, the main geo-strategic partner, India is indispensable to US in the attempt to equilibrate the power block formed around Russia-China. Plus, the western Indian shore assures some thousand kilometres of China's maritime route towards the oil supplies in the Middle East that can be crucial to an US contingency plan designed to block China's sea road towards the oil supplies from the Persian Gulf.

This explanatory concept has to be correlated with the bilateral agreement in the nuclear civil area; according to this agreement, the American party is to supply the nuclear fuel and civil nuclear technology, and the Indian party agrees to separate the civil nuclear research from the military nuclear development sector and to put 2/3 from its existing reactors, respectively, 65% from its nuclear generating capacity under international supervision (these are the well-known *safeguards*)<sup>14</sup>. The remaining 8 reactors are still under India undivided control, allowing the Indian nuclear development for military purposes. Therefore, after decades of isolation, India enters on the nuclear energy market gaining access to resources, technology, know-how and methods of commercialization. If, today, 14 functional nuclear reactors and 9 reactors under-constructions cover 3% of India's energy consumption, we can assume that the



nuclear reactors will cover 25% of India's energy expenditures in 2050, diminishing the Indian dependency on other type of energy resources, like the oil from Middle East and Central Asia.

Beyond the needs of the strategic defence sector, US supports the creation of a free-trade zone around India that will be useful for the entire South-East Asia (South Asia Free Trade Association). This free-trade zone will join both India and other smaller countries in the region as Bhutan, Nepal, Bangladesh, or Sri Lanka.

An issue on the bilateral agenda between India and US represents the Pakistan problem, country that is India's traditional enemy, from its establishment. From an historical point of view, the US attitude towards the antagonistic parties sometimes oscillated towards supporting India, and sometimes towards supporting Pakistan, and even supporting both parties simultaneously, depending on the international and regional context.

In compensation, Russia supported India, in the classic model of dividing the spheres of influences. The approach between India and US took place during the Clinton's presidency (he was the first US president who visited India, after 20 years, and he expressed his displeasure regarding the dictatorial nature of Perwez Musharraf's regime).

A sign that could sustain the prediction about the internal dynamics of the triangle centred on US-India-Pakistan is offered by the Asian tour made by President Bush, Jr., in March 2006, when he visited both India and Pakistan for an equal period of time. He visited India as a preamble for signing the Nuclear Civil Agreement, and then he visited Pakistan in order to verify if general Musharraf continues to fight against the terrorism, together with the US.

India seems to explore inclusively the possibility of easing gradually its relation with Pakistan, trying to attract this country within cooperative schemes with bilateral gaining, in which US role and the influences will decrease. As a matter of fact, as the Indian premier Manmohan Sing asserted in persistent ways, that the time for normalization of the relations with Pakistan had come, a possible agreement between the two traditional enemies is now facilitated by the common interest of building a pipeline between Iran, Pakistan and India.

But, at the beginning of 2008, the negotiations on the India-Iran-Pakistan pipeline have also stalled mainly because of New Delhi, according

to The Asian Age, hired out its launching pad to Israel for an undisclosed sum of money to launch a satellite, which some Israeli reports claimed was intended to spy on Iran and Syria<sup>15</sup>.

And, if the method of indirect economic inclusion of Pakistan will fail, the Indian strategists prepare even plan "C", subsumed to the same principle of the autonomy and reduced dependency upon the US security guarantee. Recently, India and Tajikistan agreed upon deepening their economic cooperation but, also, upon the occupation by the Indian armed forces of some parts from the military base at Ayni, situated near the Tajik capital Dushanbe. The Indian soldiers will occupy two of the three sectors of the military base, and India will also bring in the region 12 fighters MIG-29, now serving the Indian air force. These fixed-wing fighting aircrafts are capable of carrying nuclear warheads. This will place a great pressure upon Pakistan.

Russia represents the main armaments' provider for India. And, the behaviour of a country whose main armaments' provider is precisely the rival of the partner that guarantee India's security on the sea communication lines towards the Middle East, indicates a pragmatic application of the term "Realpolitik". Testimony to this fact will stand the Declaration regarding the Strategic Partnership between the two countries, signed during Vladimir Putin's official visit, in 2004, in India; secondly, India did not hesitate to sign an agreement with Russia against the US opposition that stated that India should first comply with the obligations stipulated within the bilateral agreement; after the conclusion of this agreement, Russia delivered atomic fuel to India for the reactor from Tarapur. India tried to justify its actions saying that it was forced to take them as the installations in Tarapur were in danger of deteriorating and that it asked US aid in this matter before turning to Russia, but the US answer had arrived too late<sup>16</sup>.

However, taking into account that India has the most democratic system (from the population perspective), it represents an asset for the US policy in the region, because the goal of US foreign policy states that the access to the natural resources should be gained by aiding countries that support the democratic values. This way the access to the natural resources from Asia-Pacific region could become a symbiotic relation similar to a *win-win* situation.



### Conclusions

India is a power to be, which still can't compete with big actors from region, but which grows slowly and inevitably becoming an interesting partner for the powers that have interests in the Asia-Pacific region. For the time being, India is still during its accumulation phase and it is trying to turn to the natural potential into added value. Plus, it must face a series of important problems, such as the natural disasters, AIDS and poverty of which an important part of the population suffers from.

If India shall continue on the same evolution curve, it becomes a highly interesting partner in region, as much for US, as for Russia. We can set aside China, for now, because status-quo conflicts can appear between the two countries, mainly if we take in the account that both China and India are interested in the same access routes to the resources from the Middle East.

China is developing strategic alliances that allow it to become a permanent military and economic presence along the sea lines of communication (SLOCs) that connect China the Middle East and Africa. The same SLOCs are used by the US. The right to be present in Gwadar, which is situated nearby to the SLOCs, was gained by China which negotiated with Pakistan. The port facility at Gwadar, for example, is a win-win prospect for both China and Pakistan. The port currently handles 90 percent of Pakistan's sea-borne trade, but, because of its proximity to India, it is extremely vulnerable to blockade. India, on the other hand, is consolidating its relations with Tadjikistan, is preparing to put pressure upon Pakistan and is supporting Israel in its own effort to secure its own route towards the Middle East. India, also, benefits from US support that covers the sea lines of communication towards the Persian Gulf that include the Gwadar Port (see the maps above).

Also, India is interested in assuring the security in the region. Taking into consideration that the Indian military forces can be considered as the second largest population under arms in region, it is natural for India to desire to accumulate technological capabilities that will enable it to assure the region's stability.

India is due to face the terrorism threat, which is stretching towards the Asia-Pacific region from

ideological point of view. Hamas, for instance, has translated its main portal into Urdu, what enables to it to disseminate its own values easily in Pakistan, therefore, India must pay attention to this phenomenon as it could threaten its security.

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### NOTES:

<sup>1</sup> Current members of this organization are: China, Russia, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan

<sup>2</sup> Power coefficients calculated by using International Futures v 5.4.5 (IFs) with Pardee – Full Country Set for UNEP – created by Barry B. Hughes.

<sup>3</sup> Ionuț APAHIDEANU, *Celălalt gigant de la răsărit – India*, article available in Romanian on the web-site of the Centre for Prospective Studies of the Delta Cultural

Foundation, <http://www.strategikon.ro/analize.php>, accessed on February, 3<sup>rd</sup>, 2008, p.2.

<sup>4</sup> Ibidem, p. 1

<sup>5</sup> Ibidem, p. 3.

<sup>6</sup> Idem, pp. 3-4.

<sup>7</sup> Ibidem.

<sup>8</sup> Ibidem.

<sup>9</sup> Indian Navy Official web-site, <http://indiannavy.nic.in>, accessed in February, 3<sup>rd</sup>.

<sup>10</sup> Anthony H. CORDESMAN, Martin KLEIBER **The Asian Conventional Military Balance in 2006: Overview of major Asian Powers, Working Draft for Review and Comment**, Revised, June 26<sup>th</sup>, 2006, Center for Strategic and International Studies, Washington DC, US, p. 48.

<sup>11</sup> *Nuclear Forces: India 2005*, Carnegie Endowment for International Peace, [www.ProliferationNews.org](http://www.ProliferationNews.org), accessed in February, 3<sup>rd</sup>, 2008.

<sup>12</sup> Idem, p. 5.

<sup>13</sup> Ibidem.

<sup>14</sup> Idem, p. 6.

<sup>15</sup> Opinions presented within articles from Asian Age, electronic version, <http://www.asianage.com>, accessed in February, between 5 and 11. For example, see VENKAT PARSA, *India compromised Arab world ties*, Asian Age, electronic version, <http://www.asianage.com/presentation/leftnavigation/news/india/india-compromised-arab-world-ties.aspx>, accessed in February, 11<sup>th</sup>, 2008.

<sup>16</sup> Ibidem, p. 9.

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# MONTENEGRO'S DECLARATION OF INDEPENDENCE

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*Montenegro, as an independent state, ceased to exist after the First World War, when it unified with Serbia. This is the one that dominated afterwards the Serbian-Croatian-Slovenian kingdom until the beginning of the Second World War; as for the communist Yugoslavia, Montenegro had equal rights with the others and during the entire period there were no major issues with Serbia. At the end of the second millennium, the relationships between Montenegro and Serbia reached the lowest point ever since the two republics have been coexisting within a common state. A conflict within the Montenegrin society has been lit up by the leading high society of Serbia in October 2000, so the relationships between Serbia and Montenegro became more complicated and aggravated. Throughout the most critical period of the war in Kosovo and during the NATO's **bombarding** campaign in 1999, Montenegro declared its neutrality, as at that time, the relationships between the Montenegrin government and the Yugoslavian national army were under a great pressure. Slobodan Milosevic aggravated even more the relations between Serbia and Montenegro by changing the Yugoslavian constitution in July 2000, for the Montenegrin government was not previously consulted or at least informed regarding the amendments which substantially transgressed its position within the Federation.*

*The state unification between the two countries was accomplished under the pressure of the institutions from Bruxelles in 2002. That is why Montenegro had to postpone its struggle for independence for three years, period which expired in 2005. Thus, the coalition decided to get on with the referendum, which was proposed to take place on the 21<sup>st</sup> of March 2006; then, the population of Montenegro decided in a percentage of 55,4 of the total votes the separation from Serbia.*

*Consequently, Montenegro declared its independence on the 3<sup>rd</sup> of June 2006. Two days later, the National Assembly from Serbia*

*declared Serbia the lawful successor of Serbia and Montenegro.*

*Keywords: Independence, Montenegro, Serbia.*

For a better understanding of the relationships between Serbia and Montenegro, we must take into consideration both important historical facts, as well as the ethnical differences between them, which started to become major especially now that Yugoslavia's disintegration is still fresh in the international society's memory. Moreover, it might still not be over, even after the peaceful separation that occurred between Serbia and Montenegro.

Present issues and disputes represent the proof that the principles of self-determination must be respected and that Montenegro fairly declared its independence over the Serbian domination. However, internationally speaking, there is the principle of multi-ethnic toleration, principle contrary to the former and that does not encourage any kind of secession or border modifications without a preliminary mutual agreement, and "in the case of former Yugoslavia, the international community fought against the two principles, hoping that multi-ethnicity will eventually exult"<sup>1</sup>, even if the facts proved the contrary.

Obviously, Serbs and Montenegrins differ by a lot less than the other people in former Yugoslavia, both people being Orthodox and speaking the same language, Montenegrins naming their language Srpski (Serbian), even if there is a small difference in terms of dialects. During the latest census made in former Yugoslavia in 1991, "62% of the population declare they are Montenegrins, 14.6% Muslims, nowadays called Bosniaks, 6.6% Albanians and only 9.3% Serbs"<sup>2</sup>. Then, at the last census in Montenegro, that took place in 2003, three years before the independence declaration, 273.366 persons considered themselves Montenegrins, representing 40.64% of the total population and 201.892 (30.01%) declared they were Serbs. From



a linguistic point of view, 401.382 persons declared their native language is Serbian and 144.838 considered it to be Montenegrin. It is not known how many people speak Montenegrin nowadays.

Anyway, "the ethnical frontier between Serbs and Montenegrins has always been rather fluid, many Montenegrins considering themselves to be also Serbs, while a significant number of other Montenegrins sustained there was a clear difference between the two ethnical groups"<sup>3</sup>.

Montenegro lost its independence after the First World War, when the Serbian army freed, or, according to some analysts, occupied Montenegro, depending on the point of view from which this action is seen. Serbia then dominated the kingdom which included Montenegro also until the beginning of the Second World War, and during the period of the communist Yugoslavia, Montenegro was the smallest and poorest republic, but its rights were equal to those ones of the others, without any serious problems with Serbia throughout this period. Serbian nationalism denied the Montenegrin identity, claiming both people as being Serbian, but they also denied the existence of the Bosniaks, the Muslims and the Macedonians, considering them to be Southern Serbs.

By the end of the last millennium, the relationships between Montenegro and Serbia reached the lowest point since the two republics formed a state. The Montenegrin conflict was started by the leading Serbian elite in October 2000, and the relationships between them fell apart even more. "Anyway, it would be wrong to say that the relationships between the two political units fell apart as a result of the last three or four years of the 20<sup>th</sup> century"<sup>4</sup>. These relationships had also been tensed during the period of the unification and coalition between the Socialists' Montenegrin Democratic Party (DPS) and Serbia's Socialist Party (SPS). "The depth of this conflict, that contains many historical, national, social and economical contradictions, became obvious after the scission inside the Socialists' Montenegrin Democratic Party (DPS) that took place in 1997"<sup>5</sup>.

A great deal of today's problems, fears and tensions between the two republics has its origins in the final years of Slobodan Milosevic's government. The pattern started in 1997, during an election crisis in Serbia, when thousands of persons protested in Belgrade and other important

Serbian cities against a possible fraud made by Milosevic during the election. His leading position became instable, as he appeared to be "weak and trying to gain power through any means, and the Montenegrin government used this opportunity to outdistance itself from him"<sup>6</sup>.

Milo Djukanovic, who was at that time the prime-minister of Montenegro, represented the first official figure of the government who dared to criticize Slobodan Milosevic in public during his interview within the weekly *Time*, declaring that, politically speaking, it was completely wrong for Slobodan Milosevic to remain on the Yugoslavian political stage. Djukanovic described him as a person with absolute political views, with a great lack of the ability to develop a strategic vision regarding the problems that his country was facing. Consequently to his statement, Milo Djukanovic faced a very powerful opposition right within his party, the Socialists' Democratic Party, but after a few weeks of internal struggles, he succeeded in obtaining the support of the most important and most influential leaders of the party. His most important opponent, Momir Bulatovic, who was at that time the president of Montenegro and later on, the prime-minister of the Federal Republic of Yugoslavia, expressed his loyalty towards Slobodan Milosevic, and thus, the Socialists' Democratic Party disintegrated; the faction belonged then to Bulatovic and was thus renamed the Socialist Party of the People.

Throughout that period, the biggest problem was not Montenegro's position inside the Yugoslavian Federation, isolationism or any other kind of nationalism, but the Svetozar Marovic, President of Montenegrin Parliament, having the reputation of pro-Yugoslavian or even pro-Serbian. "The new Montenegrin political platform was a strategic shift as regard to Slobodan Milosevic's politics, aiming at the West, at a free market, minorities' rights, the institutionalization of the democracy and a lawful state"<sup>7</sup>. Based upon this platform, Milo Djukanovic managed to outnumber Momir Bulatovic by 5488 votes, summing up 50.8% of the total votes, in the Montenegrin presidential elections.

Milo Djukanovic's change of conception was immediately considered by his political opponents in Montenegro, as well as Belgrade's propaganda, as being anti-Yugoslavian, but he refused this label, insisting on the fact that he only wanted to speed up Yugoslavia's democratization. He established



good relationships with the Serbian opposition, and for a while he seemed to be a real political threat for Slobodan Milosevic. Because of his growing support among the Serbian population, many had the opinion that Djukanovic wanted to play a much more important role at federal level, but the real Montenegrin separatists, mainly represented by the Liberal Party, strongly criticized Djukanovic, refusing to accept any differences between him and Milosevic.

As time went by, the pressure over Montenegro increased on behalf of Slobodan Milosevic from his headquarters in Belgrade, this forcing Djukanovic to become a fighter for independence. The state's officials repeatedly claimed that they are not able to wait endlessly for Serbia's democratization, and that Montenegro will eventually start a census regarding independence, and Milosevic took advantage of these affirmations, accusing Djukanovic of isolationism. However, Milo Djukanovic is not the one that should be considered responsible for the disintegration of the Yugoslavian Federation, but Slobodan Milosevic, who progressively destroyed all federal institutions from the moment he realized he couldn't have a full control over their actions.

Serbia and Montenegro had its own features, being more complex and simpler than other federations in the same time. "It's simpler because it's made up of only two political units, but on the other hand, this particularity hides the very complex functional problems".<sup>8</sup> Serbia and Montenegro are two states that vary regarding the total surface, number of inhabitants and economical power. No matter under what federal system, this natural disproportion may easily affect the principle of equality between the two federal units inside the community. Because of this, and other reasons, "this federal pattern required a more attention given to the functions that had to be transferred from the federal units to the federal government"<sup>9</sup>.

Lately, Montenegro tried to get out of the international isolation, and even lacking sovereignty, this state managed to establish different forms of diplomatic and commercial representation in Washington, London, Rome, Sarajevo and Ljubljana. Podgorica also managed to obtain a substantial financial aid from the United States of America and the European Union, helping in keeping its social and political stability. Due to these measures, "Montenegro not only managed to yield Belgrade's pressure, but ended

up as somehow being a winner in these disputes with Serbia"<sup>10</sup>, but this international recognition and Milo Djukanovic's strong position against Slobodan Milosevic fuelled Montenegrins hunger for independence.

Montenegro declared its neutrality in the worst moment of the Kosovo war and the NATO's bombing campaign from 1999. In that period, the relationships between the Montenegrin government and the Yugoslavian national army were extremely tensed. Slobodan Milosevic worsened these relationships in July 2000, as he changed the Yugoslavian Constitution, without consulting the Montenegrin government or even informing it about the amendments that substantially violated its position within the Federation. During that period, the crisis in Serbia and Montenegro was so intense and had such proportions that "politicians from the two republics faced a dilemma, whether to completely reorganize the existing federation or separate it in two independent states"<sup>11</sup>.

In the summer of 2000, "Milo Djukanovic's government decided to boycott the federal elections that led to the overwhelming victory of Milosevic. As a result, Montenegro was no longer represented in the federal institutions, fact that made the federation abstract at most".<sup>12</sup>

The events in Serbia and Montenegro keep having significant implications for Kosovo and a great deal of the rest of the region. In October 2000, the Yugoslavian Federal Republic, made of Serbia and Montenegro, managed to dismiss its leader, Slobodan Milosevic. And "the whole world applauded the outcome of the elections, as well as the determination of the Serbs in protecting their victory"<sup>13</sup>. After his dismissal, Belgrade had a very different political way and followed some pragmatic and constructive politics in regard to NATO, even in the times of great tension, such as the start of violence in Kosovo in March 2004.

Following Slobodan Milosevic's removal from the Yugoslavian political scene, "the West started to exert pressure over Montenegro to convince them to give up their pro-independent attitude in order for the new, and much more understanding, Government in Belgrade to consolidate its position"<sup>14</sup>. On 31 October 2001, Djukanovic publicly declared that he still considered there was a flexible union between Montenegro and Serbia, a union between two internationally recognized and independent states. "The West wasn't too



enthusiastic about new states in the region”<sup>15</sup> and the fact that they actively helped Montenegro in its attempt to remove Slobodan Milosevic was conveniently forgotten. But, on 13 October, Bill Clinton’s representative in the Balkans, James O’Brien, declared that the United States of America supported Montenegro’s independence.

Starting with November 2001, the European Union continuously mediated negotiations between Belgrade and Podgorica. Javier Solana, European Union’s High Representative on Common Foreign and Security Policy, declared that independence was not on the European Union’s agenda: “already fighting with an almost double European Union by 2010, Brussel’s appetite for more microstates is virtually zero”.<sup>16</sup>

There have been serious challenges for the winning coalition, the Democratic Opposition of Serbia (DOS) and for the new President of the Yugoslavian Federal Republic, Vojislav Kostunica, in their attempt to lead the state and society through the transition to democracy. The biggest challenge was Montenegro, that brought up the independence issue, especially in mass-media. On the other hand, there have been common points of view and mutual respect, as well as collaboration between Belgrade and Podgorica to overcome the crisis.

A lot of Montenegrins supported the possibility of their country to maintain a form of association with Serbia, association that would give substantial autonomy to both members. On 23 December 2000, the Democratic Opposition of Serbia (DOS) won the elections in Serbia with 65% of the total votes, Milosevic’s socialists only got 14%. Before the elections, Kostunica publicly declared that “rushed removal of high-placed persons in the state and the army is without any doubt against the state’s interest.”<sup>17</sup> Kostunica “refused to accept the dismissal of Nebojsa Pavkovic, chief of the General Staff, previously taking part in the actions against the Albanians in Kosovo in 1998-1999”.<sup>18</sup>

Montenegrin policy, in the first year of the new millennium, was dominated by separatist requests for a census regarding the secession. While the ultra-separatist Liberal Party and Djukanovic’s coalition insisted on the fact that a simple majority of the voters could decide outcome, their opponents, including Yugoslavian President Vojislav Kostunica, claimed that “complex requests for changing the Montenegrin Constitution

needed at least 2/3 of the Parliament’s votes before this matter was to be decided by the people”.<sup>19</sup> They also insisted on the fact that Montenegrins leaving in any other part of Yugoslavia should be allowed to vote, and “because they threatened with boycotting the census, the secession could not be decided by a vote comprising less than 50% of the total voters”.<sup>20</sup>

The separatists who knew they could not even hope winning if played by the rules, rejected all these stipulations. “To make the situation even more complicated, Serbia and Montenegro expressed their will to begin the process of integration in the European Union”.<sup>21</sup> In January and February 2002, there was set a series of meetings in Belgrade and Brussels, but Javier Solana, “chief of defence for the European Union, concisely expressed the fact that because the dispute over separation continued, it was virtually impossible for the federation to join the European Union”.<sup>22</sup>

The name of Yugoslavia was abolished in 2003, when the state became a confederation named Serbia and Montenegro. In June 2003, Belgrade formally requested joining the NATO’s Partnership for Peace (PfP) and, since then, officers and civilians took part in the orientation courses organized by NATO. The aim of those courses was to give the participants basic knowledge about the Alliance, and an introduction in crisis management, peace support and civilian-military cooperation. Moreover, the relationships between Serbia and Montenegro improved so much that in November 2003, the General Secretary of NATO, Lord Robertson, could visit Belgrade in his farewell tour in former Yugoslavia.

Serbia and Montenegro lately made great progress in defence and worked together with the International Criminal Tribunal for the former Yugoslavia (ICTY), as in the famous case of former president Slobodan Milosevic, but lately the cooperation faded and there still are some requests that must be met for the admission in the Partnership for Peace. Belgrade must turn in to the ICTY the most well-known accused for war-time crimes that it shelters, especially Ratko Mladic, and must drop the suit intended to the 8 allied countries and their leaders at the International Court of Justice at Hague.

However, for those ones who consider that Montenegro exists independently of the Yugoslavian Federal Republic in any aspect



excluding the name, it is senseless to talk about a federal agreement between the two states. Others thought that the pro-western reformist government would immediately switch its attention towards independence as a consequence of the democratic revolution in Serbia. The pro-independence policy has its well-established foundation, being supported by the aggressiveness and extreme authority of the Milosevic regime, as well as by the long isolation of Montenegro from the Yugoslavian Federal Republic, but also by external affairs. "Which it was slightly in opposition with Belgrade, Podgorica claimed once again that it can not wait for Serbia to become democratic"<sup>23</sup>, but in 2004-2005, with Serbia's recent accomplishments, Montenegrin government is facing a dilemma regarding its relationships with Serbia.

There had been problems on the Serbians too, post-Milosevic Serbia seeming to be open to negotiations on a new constitutional agreement, and with a new government accepted by the international community, Serbia recovered confidence in itself, showing that it could no longer bear with the numerous, varied and preconditioned requests of Montenegro. Even though the misunderstandings between Serbia and Montenegro did not disappear entirely with the fall of the Milosevic regime, during the last years of the federation Serbia and Montenegro, an important change was evident, and there was no longer the risk of a military intervention on the part of the Federal Republic of Yugoslavia in Montenegro, the new govern from Belgrade being much too eager to cooperate with the whole world and to reintegrate the country in the European institutions. Regarding this, the political analyst Stojan Cerovic considered that „the last thing we could expect from Belgrade is that the government becomes aggressive and exploits the possible internal tensions in Montenegro, therefore, henceforward all the disputes will be solved rather amicably than by threats or even resorting to acts of aggression.”<sup>24</sup>

The state union with Serbia had been established under the pressure of the institutions in Bruxelles in 2002. At that time, Montenegro had to postpone the fight for independence for three years, period which expired in 2005. Thus, the coalition decided to go forth with the referendum proposed for May 21<sup>st</sup>.

The disputes regarding the organisation of the referendum which could lead to the separation

of Montenegro from Serbia were surpassed by the parties in Podgorica only after the rules for the referendum had been established by the EU. Despite the complaints according to which those rules had been incorrect, the representatives of all political parties in Montenegro accepted the set of rules brought forth by the EU for the referendum set for May 21<sup>st</sup> 2006.

The Socialist Democratic Party (SDP), in governance and supporting the independence, accepted the EU's recommendations, following 15 days of hesitations. According to the rules specified by the EU, the participation to the vote should have exceeded half of the registered electors, the dissolving of the Union Serbia – Montenegro (SMU) needing over 55% of the pro-independence votes. The "pro-union" parties in the opposition had already accepted the recommendations from Brussels, abandoning their previous demands for the necessity of obtaining a majority even greater than 55% for the referendum to be validated.

The authorities in Bruxelles opted in favour of the threshold of 55% as a compromise between the requests of the pro-union blocks and of those in favour of independence. The government in Podgorica had initially supported a threshold of 50% in favour of independence to dissolve the union. It had also intended to adopt the so-called Danish model, according to which the decision for a referendum was valid in the case of a presence to the vote of over 40%. The European High Representative of Common Foreign Policy and Security, Javier Solana, designated in December 2005 Miroslav Lajkac (Slovakia) as a High Representative to moderate the disputes on the voting process.

After intense negotiations developed in January and the beginning of February 2006, Lajkac managed to bring the parties to an agreement regarding all rules for the referendum, excepting one – the quantum of the necessary majority to validate the separation.

Meanwhile, the government party SDP expressed its optimism. Its representatives declared that they could easily reach 55% and even 58% of the votes: "We are confident that we shall be able to obtain the support for our project of regaining the independence of Montenegro", said the spokesman of SDP, Pedrag Sekulic.

On the 21<sup>st</sup> of May 2006, the population of Montenegro decided by 55,4% of the votes their



separation from Serbia. Following the results of the referendum, Montenegro declared its independence on June 3<sup>rd</sup> 2006, and since June 11<sup>th</sup> an international general recognition has followed. Thus, Montenegro, a small republic of only about 600,000 inhabitants, has become the most recently independent state in the world. As a result of these events, on June 5<sup>th</sup> 2006, the National Assembly of Serbia declared the country a successor by rights of the State Union Serbia and Montenegro.

The European Union congratulated Montenegro on the way in which the referendum on independence developed. The European High Representative of Common Foreign Policy and Security, Javier Solana, declared that the Union shall observe the result of the vote. Solana, who played a central role in the creation of the federation between Serbia and Montenegro in 2002 (exerting a significant political pressure for the creating of the federation of Serbia and Montenegro, called by some "Solania"), has asked both republics to begin the talks regarding their future relations. "I would like to congratulate the people of Montenegro for the successful way in which they organised yesterday's referendum", declared Javier Solana. "Apparently, everything developed in good order and for this everybody is to be applauded. It is undoubtedly a sign of maturity and responsibility of the citizens of Montenegro", he emphasized, asking all parties to observe the results of the vote. Asked about the role the European Union will play in the dissolving of the partnership between Serbia and Montenegro, Solana said that it was too soon to make comments on that, but it was far more important for the two republics to initiate the talks between them as soon as possible.

The Serbian officials declared they accepted the results of the referendum and the proclamation of independence of Montenegro on June 3<sup>rd</sup>, adding that their country would support the initiation of diplomatic relations with the neighbouring state. In the official declaration given by the government it was stipulated: "Conditions have been created for the Serbian government to recognize the Republic of Montenegro and to establish diplomatic relations" in order to „contribute to the development of amiable and good vicinity relations." The Serbian government added that the Ministry of Internal Affairs and the Ministry for Education and Sports were to prepare the legal papers for the citizens of Montenegro who are

resident in Serbia to receive Serbian citizenship, and the students from Montenegro who study in Serbian universities to benefit from the same status as the Serbian students.

The Serbian Prime-Minister Vojislav Kostunica addressed the decision of Montenegro and rejected the European Union's offer to help the two countries separate through a "velvet separation", emphasising that the separation would be fair yet not amiable. His Montenegro homologue, Milo Djukanovic, the supporter of independence, invited Kostunica to Montenegro at a reception given after the declaration of independence by the Parliament. Neither Kostunica nor the Serbian president Boris Tadic agreed to meet, although Tadic recognized the vote and visited Montenegro after the referendum.

The first state to acknowledge the sovereignty and independence of Montenegro was Iceland, on June 8<sup>th</sup>, followed by several other countries, including the United States.

The governing parties and the opposition in Montenegro concluded negotiations regarding the new Constitution of the country on October 5<sup>th</sup> 2006. The agreement of the parties stipulates that the official language will be the Montenegro language, while Serb, Bosnian, Albanian and Croatian shall be accepted for official use. The Constitution also specifies that every person with a double citizenship obtained beginning with June 3<sup>rd</sup> 2006 – the date when Montenegro declared its independence from the union with Serbia – shall keep his citizenship.

Montenegro is hoping that by itself will be able to outrun on the long road to the accession to the EU. Since 2006, Montenegro has started, together with Serbia, the negotiations for the first step – a convention for stabilization and association. Although an important part of the negotiations were carried on separately, reflecting the differences between their economic systems, they were frozen for both republics at the beginning of the month, due to the fact that Belgrade did not keep its promise of arresting general Ratko Mladic, wanted for war crimes. Montenegro, which does not have the same difficulties with the Hague Tribunal, could renew the negotiations with the EU on its own.

On the other hand, NATO Secretary General Jaap de Hoop Scheffer was asked whether Montenegro could join at the moment the



Partnership for Peace. "Obviously, NATO will discuss this matter when the time comes. This very moment is not appropriate for such debates", Scheffer said, but they will.

Thus, Montenegro was finally left to decide by itself on its future and viability as an independent state. Nevertheless, for the international community, beyond all liberal and humanistic principles, and all the indisputable benefits derived from Montenegro acquiring its independence, once they accepted or even decided on this separation, it has been an act that may become a negative example for the nowadays Kosovo.

Attaining progress in the Balkans is obvious, despite the numerous problems yet pending, and while progress is often achieved painfully and slowly, undoubtedly the Balkans have not proved to be the swamp anticipated by many analysts, when NATO brought military forces into Bosnia-Herzegovina for the first time in 1995, which is why it was decided that the mission SFOR had come to an end. By pursuing its commitment and maintaining the same course, NATO ensures the fundamental pre-conditions for the development of society and sustains the aspirations of all ethnic group members for a better future for them and their families. However, these roles and responsibilities may change, the European Union, NATO and other international factors must continue this real partnership, as long as it is necessary, in order to make the reconstruction and stability in the region become irreversible and capable of relying on their own forces.

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<sup>2</sup> Ivan IVEKOVIC, **Ethnic and Regional Conflicts in Yugoslavia and Transcaucasia**, Longo Editore Ravenna, University of Bologna, 2001, p. 18.

<sup>3</sup> Gregory HOUBLER, **Management of Issues and Relationships During International Conflict**, Information Age Publishing, Michigan, 2003, p. 299.

<sup>4</sup> Ivana SPASIC, **Revolution And Order. Serbia After October 2000**, Institute for Philosophy and Social Theory, Belgrade, 2001, p. 301.

<sup>5</sup> Ibidem, p. 301.

<sup>6</sup> Gregory HOUBLER, **op. cit.**, p. 301.

<sup>7</sup> Stojan CEROVIC, **op. cit.**, p. 3.

<sup>8</sup> Ivana SPASIC, **op. cit.**, p. 272.

<sup>9</sup> Ibidem, pp. 272-273.

<sup>10</sup> Stojan CEROVIC, **op. cit.**, pp. 3-4.

<sup>11</sup> Ivana SPASIC, **op. cit.**, p. 263.

<sup>12</sup> *Current Legal Status of the Federal Republic of Yugoslavia (FRY) and of Serbia and Montenegro*, The International Crisis Group, Balkan Report, no 101, Washington/Bruxelles, September, 19, p. 29.

<sup>13</sup> Stojan CEROVIC, **op. cit.**, p. 5.

<sup>14</sup> Tom GALLAGHER, **Balcanii în noul mileniu. În umbra războiului și a păcii**, Editura Humanitas, București, 2006, pp. 165-166.

<sup>15</sup> Ibidem, p. 167.

<sup>16</sup> Nicholas WHYTE, **The Future Of Montenegro: Proceeding Of An Expert Meeting**, Bruxelles, 2001, Centrul pentru Studiul Politicilor Europene, p. 94.

<sup>17</sup> Steve ERLANGER, *Yugoslavia Bicker Over Army And Secret Police*, The New York Times, November, 8, 2000.



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## ANALYSIS. SYNTHESIS. EVALUATIONS

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<sup>18</sup> Tom GALLAGHER, **op. cit.**, p. 169.

<sup>19</sup> Thomas FLEMING, **Montenegro: The Divided Land**, Chronicles Press, Rockford Illinois, 2002, p. 164.

<sup>20</sup> *Ibidem*, p. 164.

<sup>21</sup> *Ibidem*, pp. 164-165.

<sup>22</sup> *Ibidem*, p. 165.

<sup>23</sup> Stojan CEROVIC, **op. cit.**, p. 5.

<sup>24</sup> *Ibidem*, p. 7.

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# BUCHAREST NATO SUMMIT, 2-4 APRIL, 2008

*Vasile POPA*

In a couple of days, Romania will host the greatest Summit from NATO's history. The Summit planned to be held on 2-4 April, in Bucharest, at the Parliament Palace, unites the higher delegations from the 26 member-states and the 23 partner states which at least three – Albania, Croatia and Macedonia – hope to be invited, on this occasion, to join the organization.

The Summit's Agenda will be extremely important and full. Some of the main issues of the Summit's topics are to be found in the statements made by NATO Secretary General, Jaap de Hoop Scheffer, in Ohrid, the Republic of Macedonia, where the security forum of the Euro-Atlantic Partnership Council took place, statements that the Alliance's enlargement in Balkans, the energetic security and Afghanistan's pacification are, in this moment, the biggest challenges for NATO's future.

This agenda is treated in detail by the Secretary General in an interview for *Cotidianul*, where he stated that, first of all, the reunion will establish a future strategy for Afghanistan. The organization will have, in perspective, a more robust presence in this theatre of operations, will assure a better training for the Afghan army and will accomplish a better collaboration with the international organizations.

At one hand, it is expected to be adopted a clearer vision for Balkans' future, aiming to keep a stable Kosovo and an increased engagement of NATO for Bosnia and Herzegovina, Montenegro and Serbia. Moreover, the Alliance's main official stated their objective, to reach an agreement over the next stage of NATO's enlargement.

The Summit it should, consequently, underline the huge value of NATO's partnership in the world and, finally, to send a strong message that the organization is ready to face the new problems, as the antimissile defence shield, energetic security

and the defence against cyber-attacks. By this agenda, it is foreseen that Bucharest Summit will remain in NATO's history as a key-moment for the Alliance, for Romania and overall security.

Regarding Kosovo, the Secretary General stated at Ohrid that, during the Summit, it is intended to adopt a resolution concerning the province's status, because the current situation can't continue.

The NATO forces from Kosovo, where an important Romanian contingent played a crucial role in maintaining security and supporting the political process. NATO is ready to face any challenge but there's hope the intervention to be unnecessary.

Balkans, the Alliance's number one underlined, is part of Europe and the accession of all the countries of the region to NATO is "the only viable way" to assure the stability. "It is in everyone's interest the Balkans to become a stable region and the region's countries to be able, at their turn, to provide military assistance in other conflict areas in the world", showed the NATO Secretary General. He also stated that when Croatia, Macedonia and Albania will be ready for the responsibilities and obligations derived from the partnership to the Alliance, they will receive an admission invitation. The general tone about the former enlargement waves modified, the entire world expects the invitations to be made for their own merits and not "as a full package". So, it is possible that just one out of these three states to "qualify" for the Bucharest Summit.

Scheffer transmitted to Bosnia and Herzegovina, but also to Montenegro and Serbia, to benefit by all the Alliance's cooperation programs, in order to get closer to the Euro-Atlantic family.

The NATO official also underlined that the admission to NATO for all the Balkans countries will be slowed down if there is no quick solution for Kosovo – a subtle regard to Belgrade's opposition



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against the solution to give independence to the mostly Albanian province.

We also believe, as many authors, that the Bucharest Summit won't ignore the fundamental problem of NATO's transformation in the defence sphere that will continue to be regarded, in the future, in its two main aspects: the strategic transformation and the planning reform, as military capabilities transformation. This is because NATO will have to assume complex operations in the context of the involvement into stabilization and reconstruction processes, strengthening the CIMIC cooperation, cooperating with other organizations, the troops' protection, the information superiority and the expeditionary forces' sustainability into far operation fields, the Alliance's ambition level on capacities to engage in operations following to be considerably grown.

From these projections, the Alliance is obliged to have a comprehensive operations approach, to strengthen the cooperation with other field's organizations, to reform the decision sector, to make flexible the resources usage and in the capabilities transformation field, to develop its own anti-missile defence system, to continue its efforts to minimize the deficit of strategic air transport capacities, etc.

If we analyze closely some member states important leaders' statements, we will see that Afghanistan will represent in the next decade, and even more, the theatre of operation for some NATO's operations, meaning an increase of the personnel deployed there. But, according to some Alliance's officials, the organization will have to involve, in short and medium term, actively, the support and the training of the national Afghan military and police, to increase the economic assistance level, to militate for an harmonized cooperation with international community's actors for a better appreciation of priorities, to identify the resources and not to waste the efforts for the country's reconstruction.

In Kosovo, the Euro-Atlantic organization will have, in the close future, a major role, which is almost sure will accomplish aside EU. Since last year, the Union had shown its availability to provide, together with NATO, which has deployed in the area a range of 16.000 militaries (the biggest Alliance operational deployment in the Euro-Atlantic space), in order to ensure stability, to play a crucial role in the province's stabilization

and to provide peace into the region. Moreover, NATO stated, by the NATO Defence Ministers in the meeting dated 15<sup>th</sup> of June, 2007 reunion, the support for the Ahtisaari plan for Kosovo which, they appreciated, will guarantee the province's stable economic and political development providing also the stability and security in the entire region. The durable peace and stability guarantee in Kosovo and in the whole West-Balkans region emphasized to be exceptional important for the North-Atlantic Alliance. NATO won't tolerate any threat against Kosovo's security and will react immediately and firmly to any eventual challenge, underlined the defence ministers. It is considered that the Euro-Atlantic integration is a major condition for the West Balkans' stability and it is foreseen a strengthened cooperation with EU, also stressing out the fact that NATO and EU have as a common aim to establish a democratic, multi-ethnic, peaceful and stable society in Kosovo. It is known the fact that EU prepares a civil force composed by about 1.800 policemen and legal advisors, aiming to support the Kosovo administration and overtake the UN mission that manages the province starting with 1999.

The military specialists appreciate that this Summit will peculiarly emphasize the NATO role in the so-called "Europe's reunification process" in the partnerships issue<sup>1</sup>. We stand for their opinion that the transformation process will also regard the Partnership for Peace. Serbia, Bosnia and Herzegovina but also Montenegro became members of the Partnership for Peace – the first step for joining NATO – in December 2006.

But, although all the region's countries have institutionalized relations with the Alliance – by joining it, by the Partnership for Peace (PfP) or by the Euro-Atlantic Partnership Council, although all of them share the Euro-Atlantic integration objective, the security situation from the West Balkans is still far from being ideal, without offering any guarantee that the Kosovo "solution" will end the regional tensions<sup>2</sup>.

We synthetically showed bellow the opinion of some experts which profoundly studied the Balkans security issues. This is a very serious reason to say, based on the high-level statements made during the Riga Summit that the Euro-Atlantic integration, based on solidarity and democratic values, remains necessary for the region's long-term stability. Therefore, the Alliance, with the



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effort to increase interoperability between these states' forces, will need to stress out the regional cooperation, stimulating and insisting that the former parts involved into conflict should begin common actions, should trust each other.

On the other hand, we can't imagine, as analysts that the Euro-Atlantic organization's states will not pay attention, during the Summit, to another major interest space – the Caspian-Asian one. In this area, we forecast that the Alliance will have to do more than before. For example, it is expected to intensify the preoccupation to increase the partnership efforts with Georgia, country benefiting by an intensified dialogue, having all the chances to join NATO in the future.

Regarding the Alliance dialogue with the great international actors, the relation with the Russian Federation has a special place. Based on NATO-Russia strategic partnership, the Euro-Atlantic space security will be stronger.

It is possible for Russia to be invited to have a closer relation with NATO in the spirit of cooperation for strengthening this partnership and for reaching the aimed goals. According to specialists<sup>3</sup>, NATO-Russia Council will continue to play an important role in promoting the practical cooperation in the agreed fields for the both sides and also in the development of mutual understanding in the fields where are disagreements or different points of view.

It is possible that the main issue discussed during the Summit to be the Alliance's enlargement. We hope to be the key-moment of the decision to invite one or all the three candidate countries from the West Balkans – Croatia, Macedonia and Albania – to join the Alliance, the only way for an effective contribution to accomplish the regional stability and stabilization, to promote in the area the West, transatlantic world values, to give a new perspective, a European and a Euro-Atlantic to this space of ongoing drama and challenges.

According to military specialists, Bucharest Summit has a crucial importance for the present and, especially, for the Alliance's future. It is expected to be “an expression of strengthening the transatlantic solidarity and improving the Alliance's transformation process and the comprehensive security approach”<sup>4</sup>.

The reunion is a very important one because there will be discussed the future NATO enlargement.

The same analysts consider that, from the

Romanian perspective, the Summit will be “a continuity element” between the Riga Summit and the anniversary one from 2009, because it will comprise the important progresses in the ambitious projects and initiatives launched during Riga Summit with focus on the NATO's enlargement continuation, the relations with the West Balkans' countries and the Wider Black Sea Area, the energetic security, NATO's partnership reform, NATO's role in Afghanistan and Kosovo, the cooperation with other international organizations, the strategic partnership with EU and UN.

It is hoped the organization of this reunion in Bucharest will bring consistence to the concept “a new NATO for a new century”. Now, the Alliance develops – after fundamentally changed techniques, policies, activities – actions as the ones from Afghanistan, but also a constant dialogue with important actors on international plan, as Russia, Australia, Japan, New Zealand, countries from the Mediterranean Area, the Gulf states, gives an important role to the partnerships strategy, where NATO non-member states can undertake responsibilities by their participation at NATO operations.

Finally, we should show that in the day before the Bucharest Summit, at the National Military Circle in the Romanian capital, the Transatlantic Forum will take place, there all the NGOs and personalities of the international political scene being invited.

As a part of the NATO Summits tradition, the Transatlantic Forum is a high level conference attended by decision-makers in the political arena, opinion leaders and prominent academics, organized by the German Marshall Fund of the US with Chatham House under the auspices of the host-country president and sustained by the Supporting Committee of NATO Summit.

### NOTES:

<sup>1</sup> Col. conf. univ. dr. Dan STROESCU, col. conf. univ. dr. Ion COȘCODARU, Summit-ul NATO de la București – o nouă etapă în transformarea Alianței, in the volume **Dinamica mediului european de securitate**, Sesiunea internațională de comunicări științifice 22-23 noiembrie 2007, București, Editura Universității Naționale de Apărare „Carol I”, București, 2007, p.505, [http://cssas.unap.ro/ro/pdf\\_carti/dinamica\\_mediului\\_european\\_de\\_securitate.pdf](http://cssas.unap.ro/ro/pdf_carti/dinamica_mediului_european_de_securitate.pdf)



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<sup>2</sup> Dr. Amadeo WATKINS, Srdjan GLIGORIJEVIC,  
*NATO și Balcanii: Pledoarie pentru o integrare sporită,*  
Revista NATO, Vara 2007.

<sup>3</sup> D. STROESCU, I. COȘCODARU, op. cit., p.506.

<sup>4</sup> Ibidem, pp. 503-504.

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# LA PRIVATISATION DE L'ARMÉE ET DE LA GUERRE - UNE REALITÉ?

*Petre DUȚU, PhD*

*A présent, ont lieux ample débats sur la privatisation de l'armée et de la guerre. La pratique montre que la privatisation de l'armée et de la guerre est des attentes des uns annalistes et politiciens et pas un processus réelle. Ainsi d'attentes se fondent sur la thèse que l'Etat renoncera à ses prérogatives: souveraineté, indépendance, intégrité territoriale. La réalité démontre que les Etats ne renonceraient pas à leur utile spécialisé dans l'utilisation légitime de la force pour défendre et promouvoir leurs intérêts vitaux.*

*Mots-clés: la privatisation de l'armée, la privatisation de la guerre, l'externalisation des activités de l'armée, la perennité de l'armée nationale.*

## 1. Considérations terminologiques

La soutien d'un point de vue personnel nécessite de définir des principaux termes usés dans ce but. C'est pourquoi, par la suite on ferait quelques précisions terminologiques sur les suivants termes: armée, externalisation, privatisation, guerre, sociétés militaires privées et l'Etat.

*L'armée* "représente la totalité des forces militaires régulières d'un Etat"<sup>1</sup> ou "l'ensemble de forces militaires d'une nation"<sup>2</sup>. Autrement dite, l'armée est une institution de l'Etat qui peut utiliser, ordonnément et légalement, la violence pour accomplir les missions confiées. L'armée, comme organisme spécialisée pour mener de la guerre, se compose des unités, des catégories de forces et de types des armes capables, par leur organisation, leur dotation et leur instruction de préparer et de mener des actions militaires terrestres, aériennes et maritimes avec le caractère tactique, opératif et stratégique.

Comme institution de l'Etat, l'armée a évolué à la fois avec celui-ci. La même chose, on peut affirmer sur la nature et le content des missions confiées à l'armée par l'Etat, par les organes habilités. Dans le même temps, l'armée est convoie

presque par tous les Etats aussi comme un outil d'appui leurs actions étrangères, qui expriment la volonté de pays de participer à l'élargissement et la renforcement de la stabilité sur le plan international et de l'édification d'un monde de plus en plus meilleur, fondé sur le respect du droit international et les droits de l'homme.

*L'externalisation* constitue la décision prise par une entreprise ou institution de recourir à un prestataire extérieur, souvent dans une perspective de long terme, pour faire faire tous ou une partie ou plusieurs fonctions (fonctions intégrées ou intégrables au moment du choix).

Celle-ci est à rapprocher de la sous-traitance pour laquelle il est d'usage de distinguer trois formes principales<sup>3</sup>: la sous-traitance de capacité ou concurrentielle est celle à laquelle recourt de façon temporaire l'entreprise donneuse d'ordres confrontée à un surcroît d'activité en s'adressant à un confrère du même secteur d'activité; la sous-traitance communautaire correspond à la prise en charge collective d'un chantier ou d'une adjudication exigeant une répartition des activités entre des entreprises appartenant à des corps de métiers différents; la sous-traitance de spécialité est celle à laquelle recourt de façon durable le donneur d'ordre souhaitant éviter la prise en charge de certaines activités, domaine pour lequel il refuse de s'équiper ou de se spécialiser (c'est celle qui, dans l'esprit correspond à la démarche d'externalisation).

Face des impératives de transformer les forces armées pour répondre les nouvelles menaces, dans un contexte des contraintes budgétaires; l'externalisation des certaines fonctions de la Défense, dans un dynamique indu par la globalisation dans le secteur de l'industrie de défense, est souvent présentée comme un option économique avantageuse qui permet la gestion de ces contradictions.

La question budgétaire est essentielle dans le contexte de la rationalisation de coûts et de la

recherche d'une efficacité opérationnelle optimale pour pouvoir répondre aux nouveaux défis.

Au-delà des externalisations classiques des domaines entretien, maintenance, restauration ou gardiennage, des projets plus ambitieux sont initiés et couvrent une large partie du champ fonctionnel du ministère, qu'il s'agisse des logements domaniaux et de la gendarmerie, de soutien (parc des véhicules automobiles) ou de l'opérationnel (formation initiale des équipages d'hélicoptères). L'externalisation et les financements innovants constituent des outils au service d'une plus grande efficacité de l'action publique et des missions opérationnelles de la Défense.

Les projets d'externalisation du ministère sont "nombreux et concernent l'ensemble du champ fonctionnel et opérationnel de la Défense": *le domaine immobilier* (les immobiliers de l'Armée); *le domaine des fonctions de soutien*: tel est le cas de l'externalisation du soutien en opérations extérieures, soutien qui porte sur des fonctions aussi diverses que l'alimentation, le logement ou les télécommunications des forces stationnées à l'étranger; *le domaine de l'opérationnel* (par exemple, l'externalisation des moyens aériens pour la formation initiale des pilotes d'hélicoptères).

**La privatisation** signifie "le transfert des responsabilités de l'Etat vers le secteur particulier de l'économie"<sup>4</sup>. Elle a multiples formes, en fonction de nature des responsabilités impliquées et de destinataire du transfert. Dans ce sens, on distingue deux types principales de privatisations: 1) le transfert de la propriété et de la patrimoniaux des corporations ou des sièges d'autorités locales; 2) la réduction graduelle des offerts, des subventions et des réglementations de l'Etat dans tous les domaines d'activité de la société.

**La guerre** représente un type d'interaction sociale entre deux ou plus des communautés, déploie dans la forme d'un conflit violent, de règle armé, et dans la base d'unes normes strictes déterminées<sup>5</sup>. Elle est vue comme un phénomène sociale, comme un continuation de la politique avec d'autres moyens, mais pratiquement elle est un phénomène universel.

De fait, la guerre a été présente dans toutes les époques historiques que l'humanité a connues dans son évolution. Celui-ci parce que presque toujours elle a été considérée le plus sûre et efficace modalité de réaliser les intérêts individuels, de groupe et nationales. Ses composants définitoires

connaissent une grande variabilité en fonction de model culturel et d'époque historique à laquelle se réfèrent.

La diversité des formes ainsi que des conceptions de guerre est donnée de normes qui le règlementent. De règle, ces normes n'ont pas un caractère universel et c'est pourquoi les normes considérées comme définitoires pour la guerre n'appartiennent que, de fait, à la guerre moderne. Ainsi, la norme de la destruction physique de l'ennemie ou celle-la selon dont les cibles légitimes sont tant les groupes militaires que les groupes non militaires (la population civile) caractérise en principal l'époque moderne, qui a promu la guerre totale et a transformé le droit de participer à la guerre dans un obligation pour tous les citoyens.

Dans l'actualité est la guerre moderne définit par les suivant aspects: seuils différents de violence; poids différent des confrontations de la domaine et des milieux multiples; application des lois et des principes propres; alternation des formes et de procédés de mener de la guerre; organisation spécifique et la spécialisation stricte des forces et de moyens participantes; limitation des actions en temps et en espace; respect des normes et de règles juridiques spéciales, les pertes humaines sont limitées<sup>6</sup>.

A présent, il existe beaucoup de normes institutionnalisés, tant au niveau national qu'international, qui règlementent la guerre, qu'établissent chaque société qui a le droit d'avoir armes, de lutter, qui est éventuel obligé de participer à la guerre, quand se déploie le combat, entre quelle heures, en quelles jours, pour combien de temps, avec quelle moyens légitimes, qui sont les droits et les devoirs des participants au combat, quelles objectives sont militaires et quelles sont civiles, quand et comme peuvent elles être attaquer, la manière dans laquelle on cessent des hostilités.

Toutes ces normes et des règles sont, en général, reconnues et respectées aujourd'hui par tous les Etats qu'éventuel déclancheraient un conflit armes. D'ailleurs, il y a une série de conventions internationales en ce qui concerne la manière de porter la guerre qui est signent presque par tous les Etats du monde et qui supposent que dans une situation réelle de conflit armé elles seront respectées par tous ceux qui sont impliqués dans le conflit respective.

Cependant, aujourd'hui, existe la possibilité que les organismes internationaux s'appliquent

des sanctions divers et consistants ceux qui ne respectent pas ces normes de porter la guerre.

Parmi les phénomènes issues dans le contexte de la disparition de la Guerre froide et à l'essor de la globalisation, celle d'apparition des compagnies privées (c'est-à-dire, les sociétés militaires privées – SMP et les sociétés de sécurité privées – SSP), qui fournissent des prestations dans le domaine militaire et de sécurité, est sans doute l'un d'entre le plus remarquable. Pratiquement, le développement des SSP et des SMP est accompagné d'une certaine limitation de la volonté du monopole de l'Etat en matière d'utilisation de la violence physique légitime. C'est pourquoi, dans les dernières années, les Etats n'hésitent pas de sous-traiter une partie plus ou moins importante de ce monopole aux acteurs privés et, en même temps, ne voient pas un inconvénient dans celle-ci – la que des ressources et des prestations militaires et de sécurité qui étaient autrefois un monopole gouvernemental de pouvoir être fournies, de firmes privées, de type SSP et SMP, à toutes les entités étatiques ou non étatiques contre une simple rémunération.

L'Etat représente un set distinct de "institutions ayant l'autorité de créer les règles qui gouvernent la société". Selon de l'avis de Max Weber, l'Etat a une *monopole sur la violence légitime* dans l'intérieur d'un certain territoire. Le plus souvent, la notion d'Etat designe "une communauté politique, un corps politique, qui a connu dans l'histoire des formes très variées et qui, par les mutations souffertes, constitue l'un d'entre plus important centre d'intérêt pour la science historique<sup>87</sup>". Dans son sens moderne, l'Etat a quelques attributs essentiels: la souveraineté, la capacité d'autodétermination, l'unité de territoire, la représentativité.

## **2. La privatisation d'armée nationale entre métaphore et réalité**

Dans le dernier temps, la littérature de spécialité, surtout celle étrangère, a publié et continue de disséminer des divers matériels – des études de profil aux débats de type colloque – sur la privatisation d'armée<sup>9</sup>.

La majorité des études qu'aborde ce problème fait en insistant sur les suivants aspects:

a) *le statut et le rôle des sociétés militaires privées dans nos jours*. Près de 90 de sociétés

de ce type, sud-africaines, britanniques ou américaines ont été ou sont présentes en Afrique, en Asie et en Bosnie, c'est-à-dire là-bas où sont, de règle, des conflits armés de nature intra étatique. Contrairement à une opinion répandue, leur action est loin d'être toujours négative. Par exemple, en 10 mois, les troupes de la société militaire privée Executive Outcomes ont permis de restaurer la paix en Sierra Leone, là-bas où les unités de maintien de la paix de l'ONU et de l'OUA (Organisation d'unité d'Afrique) avaient échouées<sup>10</sup>. Ce calme temporaire permit d'organiser en mars 1996 les premières élections présidentielles depuis 23 ans. La collaboration étroite de cette société avec les organisations humanitaires et le gouvernement ont permis l'amélioration du sort des réfugiés et le retour à la vie civile de nombreux enfants soldats.

b) *les normes qui conduisent les plus beaucoup d'entre ces SMP*. Ces sociétés ont parfois un code interne de bonne conduite pour le respect des lois de la guerre, d'autres adhèrent aux conventions de Genève ou ne traitent qu'avec les gouvernements légaux. Certes ces quelques règles déontologiques sont insuffisantes pour garantir le respect des droits de l'homme en toutes circonstances. D'ici, la nécessité que leur activité d'être contrôlée et canalisée pour bénéficier de ses avantages en évitant toutefois, leurs excès.

c) *SMP est un mercenariat de type nouveau*. Les conflits en Afrique et en Bosnie ont vu le développement d'une nouvelle forme de mercenariat, plus moderne, qui marque l'entrée du mercenariat dans l'ère industrielle.

d) *Les raisons de constituer SMP*. Des sociétés de service à caractère commercial se sont constituées à partir "des surplus" en hommes et en matériels des armées nationales conduites par la fin de la guerre froide à réduire leurs effectifs. Elles sont liées par contrat à des gouvernements faibles et désargentés et aussi quelquefois à des insurgés, auxquels elles proposent des conseils pour l'encadrement et l'instruction de leurs forces et une participation directe aux opérations. Ces firmes opèrent aussi dans le sillage des puissances qui participent aux opérations extérieures. Elles disposent de troupes aguerries, d'instructeurs compétents et d'armements modernes.

e) *SMP est une conséquence de la privatisation de l'armée nationale*, phénomène qui commence à toucher près tous les pays développés. Les raisons de cette évolution sont multiples.

La première est la disparition de menaces majeures nécessitant la mobilisation de toute une nation et la réduction corrélative des budgets militaires. Ensuite, les nations sont réticentes à intervenir dans des conflits internes et risquer la vie de leurs ressortissants pour des causes lointaines;

f) *le début de constitution des sociétés militaires privées* est représenté par l'externalisation des services périphériques: logistique, instruction et formation, entretien de l'infrastructure, parcs immobiliers, intendance. Le Royaume-Uni avec le Private Finance Initiative est pionnier dans ce domaine. Des économies de plusieurs centaines de millions de livres sont escomptées. L'externalisation s'étend maintenant à des tâches plus proches du métier militaire comme location de matériels de transport et on parle de l'étendre aux matériels de guerre, véhicules blindés et hélicoptères.

g) les défis lancent par le processus de constitution et de fonction des sociétés militaires privées. Trois défis sont lancés. Le premier est d'ordre éthique et juridique: réhabiliter le mercenariat et trouver des réponses aux problèmes moraux qu'il soulève, fiabilité des engagements, respect des lois de la guerre, garantie pour les droits de l'homme. Une partie du problème peut être résolue par des formules contractuelles adaptées qui restent à imaginer, clauses d'intéressement et clauses suspensives. Mais, comme dans d'autres domaines, on ne peut laisser au marché ni aux relations contractuelles le soin exclusif de régler les problèmes. Il faudra que les juridictions internationales cessent, comme le fait encore l'ONU, de condamner en bloc l'ensemble des activités mercenaires et se penchent sur l'élaboration des règles déontologiques propres à cette nouvelle profession et sur les mesures de contrôle nécessaires. Contrairement à une opinion courante, une armée mercenaire est plus facile à contrôler qu'une armée gouvernée par des idéaux fanatiques, nationalistes ou religieux. Le nouveau mercenaire ignorera la passion. Le deuxième défi est d'ordre politico-militaire. Une réflexion de fond est nécessaire au sein des armées de nos pays développés pour discerner, autour d'un noyau dur de tâches régaliennes que l'Etat devra probablement conserver coûte que coûte, les "cercles de souveraineté dont les tâches pourront être cédées progressivement et sous certaines conditions à des intérêts privés". Cette analyse doit être menée dans le cadre plus large d'une réflexion sur le rôle

de l'Etat dans le monde futur. Quant au troisième défi, il est d'ordre industriel. Les grands sociétés prestataires de services, en liaison avec les banques d'affaires, doivent rapidement trouver de solutions adéquates pour se positionner sur les créneaux de défense les plus proches de leurs activités civiles actuelles pour présenter aux Etats des offres de service assorties de montages financiers adaptés et de clauses contractuelles nouvelles.

h) *la diminution de la capacité d'Etat d'assurer la sécurité de sa population et de son territoire nationale*. Les uns d'auteurs et annalistes parlent sur le fait que, aujourd'hui, l'Etat, par les raisons divers – économiques, politiques, militaires, financières – tend de s'impliquer moins dans unes directions que tiennent d'assurer la sécurité de sa population et de son territoire nationale. C'est ici qu'interviennent les sociétés de sécurité privées qui prennent les unes des tâches tant de l'armée nationale, par l'externalisation d'unnes activités du sein de celle-ci, que des tâches en matière de sécurité pour des personnalités politiques, des objectifs économiques et sociales importantes, des zones riches en ressources naturelles;

i) le remis en cause du concept actuel d'Etat. Le fait que tant les Etats puissants, comme les Etats-Unis, le Royaume-Uni, par exemple, que des Etats faibles ou délinquants appellent aux services des sociétés militaires privées et/ou des sociétés de sécurité privées indiquent que l'Etat est disposé de céder une partie plus grande ou moins de son droit d'utiliser légitime de la violence physique d'unnes firmes privées avec la vocation en matière de défense et de sécurité;

j) *le mis en évidence des avantages et des inconvénients utiliser des sociétés militaires privées ou des sociétés de sécurité privées* tant d'Etats puissants (les Etats-Unis, par exemple), que des Etats faibles ou délinquants. D'ailleurs, parmi les clients de SMP et SSP se trouvent les gouvernements d'unnes Etats, des organisations intergouvernementales, des organisations internationales, des organisations non gouvernementales humanitaires. Bien que, l'utilisation des services offre par les sociétés rappelés apport des avantages économiques, politiques, militaires et sociales, pourtant, en déploiement des activités de ce type apparie une série d'effets négatifs - en plan politique, économique, social et militaire.

En conclusion, on peut dire que la création des sociétés militaires privées et assume leur



rôle, *peuvent concevoir comme un processus de privatisation de l'armée nationale*. Certes, l'Etat, en tant qu'entité collective, aura toujours besoin de défendre sa cohésion et ses intérêts et d'affirmer son influence dans le monde. C'est pourquoi, il doit conserver les moyens de sa défense dans sa propriété pour accomplir ses fonctions en société. Certaines évolutions actuelles donnent à penser que les Etats, même parmi les plus développés, pourraient à nouveau déléguer les missions de leurs forces armées à des intérêts privés, rémunérés pour leurs services.

Avec la privatisation des forces armées, le siècle XXIe verra un retour de l'histoire. Les avantages opérationnels potentiels ne sont pas moindres: rapidité d'intervention, disponibilité de matériels modernes, personnels entraînés ayant une expérience vécue du combat. Nombre de petits pays sont déjà séduits par ces perspectives. Enfin, ces trois défis relevés, dans la littérature de spécialité, il n'est pas interdit de penser que *la défense armée* de la plupart des pays du monde, les *missions de sécurité collective* confiées aux organisations internationales et la *protection des opérations humanitaires* des ONG seront un jour assurées par des multinationales militaro humanitaires privées. Paradoxalement, il se pourrait que ce soit une contribution importante à la stabilité mondiale et au non emploi de la force.

En réalité, ici, il ne s'agit pas que l'Etat renoncera à ses prérogatives en matière de défense et de sécurité, mais de fait que l'armée nationale, en tant qu'instrument de l'Etat avec vocation dans ce domaine, cède seulement les unes activités et services en faveur de la société militaire privée. Autrement dite, on assiste à *l'externalisation de certaines activités et de services*, qu'antérieur l'armée effectue en régie propre et qui ne sont pas ses fonctions sociales, de défense et de sécurité nationale et collective.

On peut dire que l'affirmation de divers auteurs et analystes que les armées nationales se privatisent n'a pas un fondement en réalité sociopolitique. A présent, cet institution se transforme radical et elle assume des nouvelles taches et missions en matière de défense et de sécurité, au niveau nationale et internationale. De fait, les pays riches n'hésitent plus à privatiser une partie de leurs besoins militaires. Ainsi la Grande-Bretagne a confié à une société privée, AirTank, le ravitaillement en vol de ses avions de combat et en France, l'instruction

de base des pilotes d'hélicoptères militaires a été, elle aussi, „externalisée”<sup>11</sup>. La même chose s'arrive aussi avec les unes activités des théâtres d'opérations. Ainsi, en Irak et en Afghanistan sont présentes une série de sociétés militaires privées qu'accomplissent des divers taches que d'habitude les forces armées exécutaient dans les conflits dont les Etats étaient impliqués<sup>12</sup>. Par exemple, les sociétés militaires privées sous contracte avec le Pentagone utilisent 15.000-20.000 personnes sur le sol irakien<sup>13</sup>. Cependant, il ne faut pas oublier le fait que, pendant que l'armée exécute tous le temps, tous les missions et sans posent de conditions pour cela, les SMP accomplissent **seulement** les taches prévues au contracte signée avec son client et sur **la durée** de l'engagement assumée. De plus, ces sociétés actionnent pourvue que sont payes pour effectuer une activité ou l'autre, qui est prévue en contracte. Autrement dite, ces sociétés, par l'exécution d'activités et de taches confiées d'armée nationale, poursuivent leur intérêts économiques et ne promouvoir pas l'intérêt nationale.

Les Etats démocratiques du monde recourent aux services des sociétés militaires privées pour les avantages dont ils bénéficient par cette voie. En principal, il s'agit de deux avantages: *le maintien de la liberté d'action de la puissance démocratique et d'autre part sous l'aspect opérationnel pour les forces armées étatiques*.

A présent, les menaces asymétriques en matière de sécurité et de défense sont prépondérantes en rapport de celles symétriques. L'asymétrie, pas exclusivement bien sur, prétend de part de grandes puissances démocratiques ce qui elles ont font toujours: la diplomatie parallèle et les stratégies d'influence. Lorsque les intérêts vitaux sont en jeux, certaines opérations sensibles, que les grandes puissances démocratiques ne peuvent pas assumer directement par les raisons de légitimité politique ou de sensibilité de l'opinion publique, il faut soit confier aux autres. C'est le rôle prime des services secrets mais les SMP, sous leur contrôle ou non, aussi apportent leur contribution. Dans ce cas, une certaine externalisation des fonctions de défense arrive à une forme de privatisation de la politique étrangère. Les Etats qui appellent à ces sociétés ont donc un nouvel outil politique étrangère, en partie, pour que ces forces privées atténuent les contraintes avec qui sont confrontées d'habitude les démocraties.



Pourtant, on peut affirmer qu'il *ne s'agit pas d'aucune privatisation de l'armée, mais il s'agit d'externalisation de certaines activités et services de celle-ci*, par leur assurance des sociétés militaires privées. Il faut mentionner que ces sociétés remplissent des tâches confiées par un contrat signé avec le Ministère de Défense et donc il y a un contrôle de l'Etat sur les activités que ces –ci prestent.

### 3. La privatisation de guerre entre attentes et réalité

La participation active de certaines sociétés militaires privées à l'exécution d'unes activités en divers théâtres d'opérations du monde semble d'indiquer une privatisation de la guerre. Ainsi, le contenu et les dimensions du processus d'externalisation des forces militaires en Irak peuvent être concevoir par l'opinion publique internationale et nationale comme une tendance évident **de privatiser la guerre**. Cette chose représentera une mutation stratégique en ce qui concerne la guerre et, sans doute, sera accompagner des périls et des conséquences avec un impact significatif sur les droits d'homme et la souveraineté de peuples. C'est pourquoi les questions de fond doivent se poser quant à caractère entrepreneurial de la sécurité et de l'assistance militaire offrent par les SSP et SMP. L'implication active et large de ces sociétés privées dans les conflits armés fait que la guerre devenir un instrument commercial dans leur bénéfice, mais l'absence de la guerre ne signifie pas seulement une état de paix, mais au contraire, il souligne que la guerre peut atteindre toute la société et apporte une grave atteinte pour son système politique, de limiter la force coercitive et de destruction de ses populations.

Donc, on peut affirmer que les SMP, par leur participation active dans les théâtres d'opérations et par les divers effets – positives et négatives – qu'elles gènèrent changer la face de la guerre. Ces sociétés se sont montrées capables d'être efficace, à un coût total inférieur et plus moine accidents amicales que les forces militaires gouvernementaux qui actionnaient dans la même théâtre d'opérations. Aujourd'hui, les SMP constituent une entité internationale légitime dans un conflit moderne<sup>14</sup>. Les opérations d'assistance militaires actives menées par des SMP sont en effet légitimes bien que l'évaluation de leur légitimité reste contestable

et qu'elles soient conduites dans un vide juridique international complet, sans aucune réglementation efficace. D'ailleurs, ces missions sont menées dans un vide de réglementation et de responsabilité au niveau international et national, ce qui ne correspond plus à la situation actuelle interne et mondiale.

Les SMP constituent l'une d'entre modalités par laquelle les gouvernements des Etats développés et démocratiques ont pu effectuer une croissant rapide du nombre des personnes impliquées dans le domaine de la sécurité et de la défense, par l'externalisation de plusieurs activités par des acteurs privés. On les trouve parfois dans les classements des 500 premières entreprises américaines. Leurs domaines d'activité sont rarement décrits avec précision: il s'agit à la fois de services et de technologie. Le Pentagone ne peut plus faire la guerre sans elles. Ces entreprises discrètes sont les nouveaux mercenaires des Etats-Unis. Certaines entraînent les troupes dans le désert koweïtien, d'autres gardent nuit et jour le président afghan Hamid Karzaï, entretiennent et protègent des ambassades, des bâtiments sensibles et des bases à l'étranger, expérimentent et utilisent des systèmes d'armes sophistiqués ou parfois recueillent des renseignements. Elles ont été les premières à débarquer des stocks d'équipements, d'armes et de munitions dans le Golfe pour préparer le déploiement en cours de l'armée américaine. Elles sont sur tous les fronts en Bosnie, en Macédoine, en Colombie<sup>15</sup>.

Durant la guerre du Golfe, mentionne la source citée, en 1991, 1 personne sur 50 autour du champ de bataille était un civil sous contrat. En Bosnie, en 1996, cette proportion était passée à 1 pour 10. Près de 40 entreprises travaillent ainsi en permanence sur le terrain pour le Pentagone. Kellogg Brown & Root, par exemple, a assuré pour 2,2 milliards de dollars (2,03 milliards d'euros) la logistique des troupes américaines dans les Balkans. MPRI (Military Professionals Resources Inc.) est célèbre pour «avoir plus de généraux (à la retraite) au mètre carré» que le Pentagone lui-même. MPRI compte 900 salariés, pour la plupart des anciens militaires. Ils ont obtenu au cours des dernières années plus de 200 contrats différents pour la formation d'unités américaines. Ils ont aussi rédigé bon nombre de manuels militaires. «Nous pouvons avoir dans les 24 heures, à la frontière serbe, une vingtaine de personnes qualifiées.

*L'armée ne peut pas le faire*», explique un porte-parole de la société<sup>16</sup>. Pratiquement, ces sociétés permettent tous les Etats de réduire leurs effectifs militaires et de diminuer les dépenses destinées à l'armée nationale. Les contractants sont payés seulement en fonction de besoin. Enfin, utiliser discrètement des entreprises permet d'échapper au contrôle des parlementaires, des médias et de l'opinion publique.

En même temps, le recours des Etats démocratiques à les SMP, les fait celles dernières de devenir un instrument avantageux complémentaire pour les premières. L'externalisation de certaines tâches peut présenter un intérêt lorsque le coût et les difficultés d'acquisition or de maintien des compétences dans certains domaines très spécifiques (formation, entretiens spécialisés) sont disproportionnelles par rapport aux résultats attendus. De plus, face à des difficultés de recrutement et à la fidélisation des personnels déjà engagés, elle ouvre de réelles possibilités en améliorant la condition du personnel par le biais de limitation de surcharge au travail qui résulte par la multiplication de missions. Enfin, comme elle offre une diversification de modalités de réalisation de certaines fonctions et capacités, elle permet une meilleure allocation des ressources de la défense, accroissant la performance en termes de qualité du service et de réduction de coût.

Pour répondre aux caractéristiques des conflits asymétriques qui requièrent de la part des Etats la capacité de mettre en place des forces qui puissent être efficaces contre l'ensemble du spectre des menaces, un choix doit être fait. Hors des coopérations encore limitées et insuffisantes qui doivent être recherchées, il s'agit donc soit de maintenir une armée puissante, soit d'externaliser certaines missions. La réduction sévère du budget et du format des forces armées des démocraties dominantes fait que la puissance militaire ne peut pas se déployer partout contre toutes les formes d'agression. Dès lors, les SMP sont une alternative envisageable, qu'il s'agit de missions non fondamentales or d'activités dont les armées n'ont pas la maîtrise. De la mise en oeuvre de matériels sophistiqués, pour lutter contre la menace asymétrique en passant par les guerres de l'information, les SMP apportent une réponse complémentaire à l'action des forces pour prendre en compte l'ensemble des défis. Au lieu d'être, comme certains l'argumentent, une menace pour la

légitimité des Etats, les sociétés militaires privées peuvent être un prolongement, sous contrôle, de mise en scène de la violence légitime, un outil complémentaire des armées au service des intérêts et de la sécurité de puissance.

Pourtant, **nous ne pouvons pas parler d'une privatisation de la guerre** au moins pour deux raisons: d'abord, aucune société militaire privée n'est pas en mesure de déclarer la guerre selon les normes internationales contre à un Etat, soit il faible or délinquant, parce que cette compagnie n'est pas un sujet du droit international; puis, la participation des SMP dans les théâtres d'opérations se fait conformément au contrat signé avec une armée nationale impliquée légal et légitime dans le conflit armés. De fait, ces sociétés font de services en faveur d'une armée nationale soit d'un Etat engagé dans le conflit, soit de plusieurs armées nationales, mais toutes appartiennent du même camp. Bien sur, il peut exister le cas où les SMP font de services de sécurité et militaire pour un Etat faible, mais alors l'activité déroulée se fait conformément d'un contrat entre le gouvernement légal et la respectueuse société militaire privée. Par conséquent, la SMP s'implique dans un conflit selon aux prévisions du contrat conclu avec le gouvernement légal qui lui demande ses services de sécurité/militaire et pas indépendant, selon le bon plaisir des dirigeants de cette société. Si ces sociétés procéderaient dans cette manière elles seraient considérées comme des organisations de mercenaires, mais ses membres comme de mercenaires, ce qui serait en totale contradiction aux réglementations de l'ONU quant au mercenariat et aux mercenaires.

#### 4. Conclusions

Bien sur, il serait une utopie de se croire que les Etats du monde, surtout les grandes puissances, pourraient renoncer à leur armée nationale. Par absurde, si les Etats renonceraient à leur armée, ainsi s'apporteraient, parmi d'autres, *une significative et consistante atteinte à l'identité nationale*. D'autre part, *l'armée représente l'institution de l'Etat dont les citoyens, l'opinion publique interne ont une haute confiance*, de cause de sa conduite irréprochable tant en temps de paix que de la guerre, or dans les situations de crises, à tous moments. Dans le cas d'urgences aussi *l'armée intervienne non conditionnée dans l'appui de citoyens de la pays*, l'attitude appréciée de population civile.



Dans le même temps, par son activité externe, l'armée représente un élément constant de promouvoir et de défendre les intérêts nationaux, des valeurs spécifiques et d'image publique correcte du pays.

L'intervention croissant dans le domaine militaire d'un agent motivé par de considérations commerciales implique ainsi, d'une manière ou d'autre, de se mettre en cause le concept traditionnel d'Etat. Cela autant que cette tendance se manifeste aux tous les Etats, indifférent s'ils sont très puissants (par exemple, Les Etats-Unis) or faibles ou délinquants. De plus, les activités des SMP et SSP relèvent une série de questions politiques et éthiques qui se demandent prendre en compte, autant qu'aujourd'hui, ces sociétés actionnent en différents théâtres d'opérations de près tous les continents.

Le recours aux soldats « privés », le terme qui substitue souvent celui de mercenaire, considère dégradant, présent pour l'Etat, *des grands avantages*. Ainsi, l'auteur cité, les sociétés militaires privées ont donné naissance aux véritables empires des guerres privées, qui ferment des contractes en bonne forme légales avec les Etats ou autres firmes, agissant comme le bras armé des multinationales. Dans cette mode, on exonère tout le contrôle démocratique, sans le risque d'offenser l'opinion publique. Il semble que la guerre d'Irak représente le terrain favorable de la première guerre privée, un paradigme du mercenariat entrepreneurial. L'idée de privatiser la guerre, sans doute n'est pas récente, et elle constitue un domaine très vieux, fructueux et qui devienne aujourd'hui un secteur défini par ses règles de lobbying. L'industrie militaire privée affiche un revenu total d'environ 100 milliards dollars dont les plus grandes sociétés sont américaines.

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<sup>1</sup> Haralambie GEORGESCU, **Dictionar enciclopedic militar (A-B)**, București, Editura A.I.S.M., 1996, p.113.

<sup>2</sup> Joseph SUMPFF, Michel HUGUES, **Dictionnaire de sociologie**, Paris, Librairie Larousse, 1973, p.23

<sup>3</sup> *Externalisation*, [http://www.interef.com/ateliers/grh\\_demain/fiches/externalisation.htm](http://www.interef.com/ateliers/grh_demain/fiches/externalisation.htm)

<sup>4</sup> Gordon MARSHALL (coord.), **Dictionar de sociologie**, Univers Enciclopedic, București, 2003, p.442.

<sup>5</sup> Cătălin, ZAMFIR, Lazăr VLĂȘCEANU (coord.), **Dictionar de sociologie**, București, Editura Babel, 1998, pp.487-488.

<sup>6</sup> Constantin ONIȘOR, **Teoria strategiei militare**, București, Editura A.I.S.M., 1999, p.166.

<sup>7</sup> Gordon MARSHALL, **op. cit.**, p.581.

<sup>8</sup> Cătălin ZAMFIR, Lazăr VLĂȘCEANU, **op. cit.**, pp.591-592.



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<sup>9</sup> Voir: Jean MARGUIN, *Vers la privatisation des forces armées*, <http://www.frstrategie.org>, Jean-Philippe DANIEL, *Les nouveaux mercenaires ou la privatisation du maintien de la paix*, <http://www.african-geopolitics.org/show.aspx?ArticleId=3361>, Yacine Hichem TEKFA, *Le Mercenariat moderne et la privatisation de la guerre*, [http://www.strategicsinternational.com/9\\_Tekfa.pdf](http://www.strategicsinternational.com/9_Tekfa.pdf), Ludovic MONNERAT, *Entre condotierri et croisés*, [http://www.ludovicmonnerat.com/archives/2006/01/iran\\_les\\_premie.html](http://www.ludovicmonnerat.com/archives/2006/01/iran_les_premie.html)

<sup>10</sup> Cf. Jean MARGUIN, *Vers la privatisation des forces armées*, <http://www.frstrategie.org>, p.1

<sup>11</sup> Cf. Jean-Dominique MERCHET, *Prestataires de guerre*, [http://www.sandline.com/hotlinks/Liberation\\_PrestataB897DD.html](http://www.sandline.com/hotlinks/Liberation_PrestataB897DD.html), p.1.

<sup>12</sup> Voir *Blackwater: la guerre privatisée*, [http://www.rfi.fr/actufr/articles/093/article\\_57062.asp](http://www.rfi.fr/actufr/articles/093/article_57062.asp), Eric LESER, *L'armée américaine fait de plus en plus appel au secteur privé*, <http://www.fsa.ulaval.ca/personnel/vernag/index.htm>

<sup>13</sup> *Irak: les nouveaux mercenaires*, [http://www.lexpress.mu/display\\_article.php?news\\_id=19166](http://www.lexpress.mu/display_article.php?news_id=19166)

<sup>14</sup> *Compagnies militaires privées PMC*, [http://www.sandline.com/hotlinks/Legitimate/Entity\\_%20G5B35B1.pdf](http://www.sandline.com/hotlinks/Legitimate/Entity_%20G5B35B1.pdf), p.1.

<sup>15</sup> Voir: Eric LESER, *L'armée américaine fait de plus en plus appel au secteur privé*, <http://www.fsa.ulaval.ca/personnel/vernag/index.htm>, p.1.

<sup>16</sup> Ibidem, p.2.

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# SOVEREIGNTY AND EUROPEAN INTERNATIONAL RELATIONS

Gabriel PEREȘ

*State sovereignty, disregarding the point of view it is looked at, implies the existence of a certain number of distinctive competences and capacities, allowing the opportunity to act both internally, at national level, but also externally, at international, cross border level.*

*The accession to European Union must not be associated to the lose of sovereignty; the concept evolved in time, from the initial traditional meaning to a modern view which implies the maintenance of the judicial status and the delegation of some attributes and competences at supra-state level.*

*The sovereignty of the Romanian state will not be compromised by the European accession or the globalization phenomenon. Both processes comprise a certain transfer of the state power to the community's interests.*

*Keywords: sovereignty, state, international relations.*

According to the international doctrine, sovereignty<sup>1</sup> represents the claim of the state to completely selfgovern; the reciprocal acknowledgement of the sovereignty claims the foundation of the international society, it represents the unique, complete and indivisible supremacy of the state power in relation to any other state power, which is an expression of the state's exclusive and unalienable right to establish and put in practice its own policy, both internal and external, to perform its functions, to carry on its practical measures in order to organize its internal social life and the external relations, based on respecting other states' sovereignty, the international law norms and principles accepted by will agreement<sup>2</sup>.

Sovereignty served as a ground for reciprocal acknowledgement, on the basis of legal equality; therefore one must not confuse the concept of sovereignty with the action liberty, as between them there are circumstances determined by the unequal power relations.

The sovereignty doctrine developed as part of

the European Middle Age system transformation to a modern stately system, process which has been finalized with Westphalia Treaty, 1648. Westphalian Peace, which ended the 30 Years War, represented the first diplomatic meeting at European level (the first European congress); on that occasion, the principles of political balance, state ration and people rights have been consecrated.

This doctrine has been built in order to satisfy everybody, to ensure a durable peace in Europe, establishing in a practical manner what the historicists, politicians and militaries would later call "*the set of principles which define the national sovereignty*".

The introduction of the sovereignty concept took place parallel with the appearance of the similar idea of private propriety, both focusing on the exclusive rights concentrated into a single possessor, fixing sovereignty as the internal autonomy of the Principle - who won against the Pope, the equality of states between each other, the introduction of the concept of power balance as a keeping peace mean. But still, the monarchs continued to be the expression of the state, so as the sovereignty has referred firstly at their own personality.

The Constitution of the European states represented the most appropriate framework to define and affirm the sovereignty as a internal law norm, and the UN Charta and the international and European Treaties conferred new attributes to this norm within the international and European law system. Consequently, the European Constitutions stipulate that the sovereignty (some of them adding the word: "national"), or power belongs to the people. One can find this idea within the Constitutions of Spain, France or Sweden. In other Constitutions' acceptance (Romanian and Belgian), the sovereignty belongs to the nation<sup>3</sup>.

Through the "*nation*" concept, the inhabitants within the borders of the same state gained step by step the consciousness of the fact that they



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belong to a certain national community, share a common history and, the most important, they have common interests they can protect and promote better through the national state. During the 18<sup>th</sup> century, the important transition from the monarch sovereignty to the nation/people's sovereignty took place, catalyzed by the Declaration of the Independence of USA and consecrated afterwards by the Declaration of the Human and Citizens Rights and also by the French Revolutionary Constitution.

The institutions are called to represent the nation by protecting the sovereignty that themselves have been built, legalized and supported. In order to better serve to the people's interests, in a democratic system, the power must share its attribution within the "holy third" of Executive, Legal and Judicial power.

Jean Jacques Rousseau, in **Social Contract**<sup>4</sup>, declared that "sovereignty is inalienable and indivisible", but then admitted the fact that the politicians "*cannot divide the sovereignty in its principle, so they divide it between force and will, into legislative power and executive power, into rights to collect taxes, justice and war, into internal administration and the power to negotiate with the foreigner; sometimes they mix up, sometimes they separate it.*"

Although the Enlightenment, through the theoreticians of the social contract has established with certainty the way in which the people sovereignty is delegated to the governors, during the present days, the sovereignty of the state power is described as the supremacy and the independence of the power in expressing and realizing the will of governors as the state will, being differentiated by the people sovereignty and the national sovereignty<sup>5</sup>.

The sovereign equality of the states became one of the basic principles, which founded the UN Charta – art. 2 (1) is relevant in this sense – "the organization is established based on the principle of the sovereign equality of all its Members". UN Resolution no. 2625/1970.<sup>6</sup>

The sovereign state is the main actor in international relations, which situates it in the international law as the first topic considering the order of importance.

The state has legal competences manifested in material and formal sense<sup>7</sup>, and it comprises the sovereignty as a constitutive and individualizing

element, which represents an essential exclusive, inalienable and indivisible attribute of the state<sup>8</sup>.

The material competences are in the first place referring to the internal order and they are related to the internal sovereignty, basically to the capacity of organizing its politic power, economic and system.

The competences in the formal sense refer to the state jurisdiction and to its capacity to act in order to warrant the legal rules dictated by the state<sup>9</sup>.

The states have a personal competence<sup>10</sup> expressed by their actions towards their own citizens, in the view of defining the citizenship status, the protection of the citizens abroad and correlative according the rights and obligations; the most underlined competence was the territorial one – that exclusive, complete and general power to manage a state territory. In order to control the territory there have been wars carried on, alliances promoted, peace treaties, agreements and conventions concluded and international institutions established.

The autonomy in approaching these competences confers the states the right to decide by themselves on their use, but it does not exclude the option that the state can delegate - by their own will and initiative - some competences or their materialization, according to the engagements assumed within various treaties.

In March 1997, at Salzburg, at the 50<sup>th</sup> International Seminar of Politics Sciences dedicated to the analysis of the future of the state institution facing the transformations determined by the globalization (which does not mean only "spreading", but also "interdependence") it has been raised the question if *the state – especially the national state – could not be at its long carrier ending, after 500 years.*

**We still need the state** – responded unanimously the represents of the 32 participant states, *in order to give people identity, to collect taxes, to make the protection and national security system work, to ensure at least the internal security and stability*<sup>11</sup>.

Accepting some communitarian legal provisions and some forms of cooperation, which imply some competence transfers to supranational organizations and organisms it is been still carried out with the respect for the sovereignty and not to its elimination.



The liberty of the state competence consists in its choice to act in the European legal spirit introduced within the internal law system<sup>12</sup>.

This is also the way chosen by the EU states when decided that some attributes could be better served through common effort, accomplished under the European institutions' trusteeship.

Due to the theoretical content accepted by the Europeans and the international community, the states have the right to the international personality, to be respected their territorial integrity, the right to self-defence, the right to establish their own political and social regime, the right to use their resources, the right to establish the economic – social system and the legislation, the right to freely manage the relations with other states but also the correlative obligations to respect the international personality of other states, their sovereignty and to fulfil in good will the international obligations.

The approach of the international law searched for a similarity of sovereignty with the independence; consequently, a case of the Permanent Court of Arbitrage established exactly this identification: "Sovereignty in between states relations means independence. Independence in relation to a territory is the right to exercise the state functions upon it, by excluding the rights of other state". Starting from the independence, as an attribute of sovereignty, the last one, once acknowledged, it becomes the warrant for the first one<sup>13</sup>. Acknowledging the quality of an independent and sovereign state take place only at the cumulative meeting of the three constitutive conditions: territories, population and govern<sup>14</sup>.

Most of the specialists agree that the sovereignty can be divided into: economical – political sovereignty - as a source of promoting the concept but also as the initiator of the changes through the years, and the judicial sovereignty – by trying to normalize the politic ideals and putting them into the legal theory, the basic pillar being the equality in rights of the states within the international relations – concept introduced by Vattel **Le droit de gens**, in 1758.

Respecting the sovereign equality proved to be the most effective way to protect state sovereignty within the international system<sup>15</sup>, the international law developed during the 20<sup>th</sup> century, especially after the 2<sup>nd</sup> World War.

This is the period when the international organizations appear as new legal topics and the

multitude of international treaties impose this new form of cooperation which invents a list of strict norms that must be respected by the states which adheres to the respective organizations or treaties, and their number increases considerably. NATO, UN or EU member states have been and are legally conventional bind through one or more legal tools. Through these international agreements, which allow states to reach common conclusions by dialogues and negotiations, there were established judicial norms, with general character and this way new disciplines of the international law appeared.

Communitarian law is the EU's exclusive creation. Establishing an international regime for exploiting the seas, concretized in 1980 and 1990, strengthened the new approach of the way in which the states understood to relate in the international waters. The Exclusive Economic Zone prolonged the control of a state on its sea from 12 maritime miles to 200 from the shore where its *flag flies*<sup>16</sup>.

The novelty element consists of the fact that, although the state has the right to exploit, protect, conserve and manage all the resources from the exclusive economic zone, riparian or without shore, they could profit, according to the generally admitted norms in the international law, by the liberties of navigation, flight and the liberty to use the sea in any other licit purposes, with the respect of the active laws.

The Black Sea becomes, mostly after the events of 9/11, but especially after the NATO enlargement in 2002, a space of cross-junction of the geopolitical and geo-economical borders, but also a framework of affirmation of the new Euro-Atlantic community<sup>17</sup>.

Introducing the Treaties that produced effects for third parties, as well, represented another important step to the international cooperation, but also for shaping an international acting manner to be respected by all the communitarian states through the reciprocation of the rights to use communication ways or international waters, of "*ad pactam*" limitation of the national sovereignty in the benefit of the common good, reinforcing the idea that a peaceful collaboration would be profitable for everybody.

Public international law pointed out and desanctified the territorial concept by admitting into the international doctrine and practices the exceptions of the condominium, international servitudes and territorial cession.



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## POINT OF VIEWS

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According to the international law, the *condominium*<sup>18</sup> – the common possession – represents a political territory, a state or a designated zone in relation to which two or more sovereign powers agree to equally share their domination upon it (as sovereignty) and to exercise their rights in common, the same way, without any division into “national zones”.

Although it has always been recognized as a possible theory, it is rarely applied in practice, the main cause being the difficulty of ensuring a flexible inter-state cooperation.

Territorial cession represents a conventional judicial action based on which a state gives up on its territorial sovereignty in the favour of another state, which will expand its sovereignty upon that territory.

States have been drawn attention through several international such as UN Charta, Final Act from Helsinki, Declaration of Human rights, etc., to the fact that the human rights cannot and should not be affected under the purpose of national sovereignty.

The definite and unconditional necessities of the international system development during the last decades were, on one hand, the pressure of the peoples to preserve peace and avoid disasters like world wars and, on the other hand, the necessity of interstates cooperation at regional and international level.

At present, there are more than 360 international intergovernmental organizations, out of which 30 have universal character, 50 are intercontinental, 280 – regional and approximately 13.000 international NGO's which cover a wide range of activity fields, from health to launching and managing satellites<sup>19</sup>.

States concluded that, on one hand, they are more advantaged if they conclude treaties and agreements between each other than if they would act on their own account and, on the other side, that the intentional restriction of some sovereignty attributes contributes to the common good.

It has to be outlined the fact that delegating some competences resulted out of the sovereignty to the international organizations or institutions does not imply the renunciation to the sovereignty which remains indivisible and inalienable, but it represents only a convention through which the righteous possessor, the nation, delegates it to another authority.

Through the international collaborations, the states strengthened their sovereignty, sharing both the costs and the benefits, organizing the transfer of sovereign rights within certain economic sectors and jointly administrating them through supranational institutions.

The Treaty that ratified the judicial basis of the Communities is the European Economic Community Treaty<sup>20</sup> (EEC), basically a “*treaty with features similar to Constitution, defining a communitarian system endowed with common political institutions; a framework treaty through which there are defined the objectives, institutions competences, common rules and procedures, with no irrevocable definitions of the political methods and final goals.*”<sup>21</sup>

Although within the institutive treaties there is no reference to the understate structures, at present, the tendencies of decentralization and regionalization are obvious. If, at the beginning of the Communities, there was only one member state with a regional structure (federal or decentralized), today within the community space the state stopped being the unique internal framework for solving various problems of the society. The forms of institutionalized regionalism took over some competences of the state.

The most typical and effective form of cross border cooperation is the *euro-region* cooperation, which belongs to the cross border regionalism.

The concept became powerful to the communitarian space as based on the force and collaboration of the civil society and the common political economical interests, in which two or more states share the value of the material and human resources by initiating and developing strategic activities and programmes.

From the judicial point of view, it is an association registered according to the internal law to whom it belongs from the territorial point of view. On the cross border approach, the supreme decisional body is “the General Assembly of the Euro-Regions”.

On the cross border and transnational regionalism, the situation is slightly different. The first cross border cooperation forms came up long before being financed through communitarian programmes and their number increased spectacularly after 1989, when this type of community programmes have been developed (INTERREG<sup>22</sup>, PHARE-CBC<sup>23</sup>).



Cross border cooperation aims to commonly develop interregional projects supported by the communitarian funds. The role of the Union was to encourage those regional cooperation models that have before proven to be effective in achieving the goal of a Community without internal borders.

At present, there are supported both the cross border cooperation between community regions, and also between communitarian regions and other regions from the candidate states or bordering the Union, due to its enlargement policy.

*Regionalism, in none of its institutionalized forms, does not affect in any way the state's sovereignty.*

According to the contemporary international law, *the political and judicial base of the international personality of the state consists in its sovereignty. It belongs to all the states, despite their size, power and development stage. The most important feature of the state power is the sovereignty, which involves the inner supremacy and external independence.*<sup>24</sup>

### NOTES:

<sup>1</sup> [www.romanothan.ro](http://www.romanothan.ro)

<sup>2</sup> Ion M. ANGHEL, **Subiectele de drept internațional**, București, 1998, p. 100.

<sup>3</sup> Ioan MURARU, Simina TĂNĂSESCU, **Drept constituțional și instituții politice**, București, 2001, p. 265.

<sup>4</sup> Jean Jacques ROUSSEAU, **Contractul Social**, București, Cartea Noastră, p. 27.

<sup>5</sup> Ioan MURARU, Simina TĂNĂSESCU, **op. cit.**, p. 288.

<sup>6</sup> Declaration in respect to the International law principles related to the friendly relations and cooperation between states according to the UN Charta, Raluca MIGA-BEȘTELIU, **Drept internațional - Introducere în dreptul internațional public**,

București, 1998, pp. 90-91.

<sup>7</sup> Prof. univ. dr. Florian COMAN, **Drept internațional public**, vol. I, București, 1999, pp.111-113.

<sup>8</sup> Sovereignty Principles, as written in UN Charta, is a fundamental principle of the international law.

<sup>9</sup> Marțian NICIU, **Drept internațional public**, Arad, Servosat, 1999, p. 81.

<sup>10</sup> Ibidem, p. 82.

<sup>11</sup> Teodor FRUNZETI, **Organizațiile internaționale**, document published on the Land Forces' Academy website.

<sup>12</sup> Prof. univ. dr. Victor AELENEI, **Legislație europeană pentru poliția de frontieră**, București, 2007, pp.11-12.

<sup>13</sup> Arbitrage Permanent Court, Unique Arbitrator, Max Huber, the Court decision in the case of Islanda/USA–Palmas Island, **Review of International Arbitral Awards**, 1928, vol. 2, p. 829, in Aurel CIOBANU-DORDEA, **Considerații cu privire la implicațiile constituționale ale aderării României la Uniunea Europeană, Romanian Journal of European Affairs**, vol. 1, no. 1, 2001, p. 31.

<sup>14</sup> Raluca MIGA-BEȘTELIU, **op. cit.**, p. 86.

<sup>15</sup> Ibidem, p. 87.

<sup>16</sup> UN Convention regarding the Sea Rights, ratified by Romania through the Law no.110/1996.

<sup>17</sup> Ilie BĂDESCU, **Tratat de geopolitică**, Ed. Mica Valahie, 2004.

<sup>18</sup> Wikipedia.

<sup>19</sup> Raluca MIGA-BEȘTELIU, **op. cit.**, p. 35.

<sup>20</sup> Roma Treaty or Treaty of European Economical Community of 25th of March 1957, put in force on the 1<sup>st</sup> of January 1958

<sup>21</sup> Octav BIBERE, **Uniunea Europeană între real și virtual**, Ed. All Educațional, București, 1999, p. 37.

<sup>22</sup> Supporting the cross border, transnational and interregional cooperation, and also a harmonious and balanced development of the overall common space.

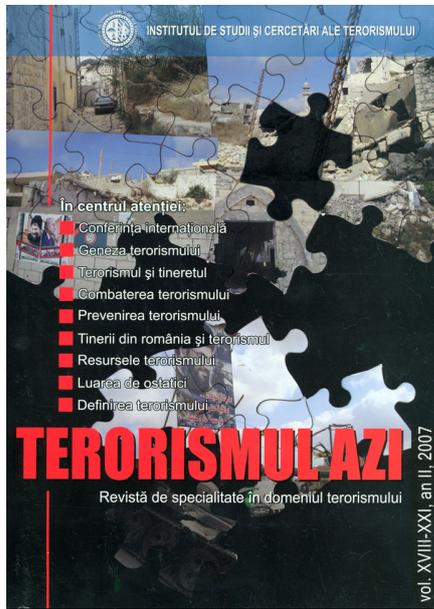
<sup>23</sup> Cross Border Cooperation.

<sup>24</sup> Dumitru MAZILU, **Dreptul internațional public**, vol. I, București, 2001, p. 130.

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# TERRORISM, NOWADAYS



“Terorism, nowadays” is a magazine edited by the Institute for Studies and Researches on Terrorism from Cluj-Napoca, and one of the famous publications on researching the terrorist phenomena. Considered a magazine dealing with education and security, sociology and psychology, it carries out its founder’s landmark, Cristian Delcea, author of many important books on psychological studies, about the psychology of terrorism, ad-terrorism, etc., bringing a substantial contribution to the progress of knowing all the shapes of the terrorist manifestation, in order to understand their causes and to prepare the citizens for preventing and combating this worldwide scourge.

The first volume was issued in August 2006, stressing out the fact that it is a young publication, strongly connected, by its topics, to the dramatic events dated 9/11. From an issue to another, the magazine stood out by the experience of the prominent figures co-opted, by the value and consistence of the approaches of the topics. The evolution of this magazine that dwells on aspects related with the asymmetric conflicts has been correlated with the expansion and the development of the activities within the Institute for Studies and

Researches on Terrorism, following the need to inform the public about the latest concerns, studies and researches on the more or less known aspects of the worst actual threat.

„... Terrorism is not only what they say it is, it is something else, more serious, a phenomenon that is derived from the depths of the human conflictuality, that, we, the people, do not succeed to fully understand ...” states the latest editorial, written by General Brigadier (ret.) Gheorghe Văduva, PhD, scientific researcher within the Centre for Defence and Security Strategic Studies from the National Defence University “Carol I”. He grasps those aspects of the phenomenon that are less known that have marked, and still do, the humankind. The psychology of terrorist and terrorism cannot be easily understood and studied, especially due to the fact that preventing and combating it “is not just a matter of mathematical intuition, but one related with the world’s awareness and civilisational responsibility”.

The same issue of the quarterly “Terrorism, nowadays”, comprising XVIII-XXI volumes, is focused on actual topics for the informed readers, as: the International Conference “You can prevent terrorism”, organized by the Institute for Studies and Researches on Terrorism; The Genesis and the paradigms of terror from Hizballah – „God’s Party” to the White Al Qaida; Terrorism and youth; The cooperation between states on combating the international terrorism and its doctrinal limitations; Preventing and combating terrorism. New institutional approaches; The young Romanians and terrorism; The material, technological and financial resources of terrorism; The terrorist act manifested by taking hostages; New tendencies on defining and conceptualizing terrorism.

The paper on “The Genesis and the paradigms of terror from Hizballah – „God’s Party” to the White Al Qaida” is extremely interesting. The authors, professor dr. Anghel Andreescu and commissioner dr. Nicolae Radu, pay a large attention to the understanding of the process for reconfiguring the terrorist groups and the new vision on selecting



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## REVIEWS

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and training the antiterrorist fighters, stressing out the White Al-Qaida's expansion in Europe (white-faced terrorists). The prognosis from the end of the article stresses out the possible evolution of the terrorist phenomenon, that the "terrorism will surely last in the future, increasing from quantity and quality perspective, as more and more states have already uses terrorism in order to achieve their purposes".

The approach of the group from the Institute for Studies and Researches on Terrorism is praiseworthy and in future we hope that the magazine "Terrorism, nowadays" will continue to be a real pillar and standard promoting the values of democracy, culture, religion, humanity, rule of law, prevents and combats the international terrorism. **(CB)**



# THE ACTIVITIES OF THE CENTRE FOR DEFENCE AND SECURITY STRATEGIC STUDIES

JANUARY-MARCH 2008

*In this period of time, researchers from the Centre for Defence and Security Strategic Studies within the National Defence University "Carol I" participated to different national and international activities. One of the most important is the International Conference "Regional security, energy security and NATO: future problems and possibilities", organized in Constanța, in 19-20 February. There participated prominent figures from the Romanian scientific and academic environment, important international guests from the United Kingdom, Turkey, Sweden, Slovenia, Kuwait, Russia, Bosnia-Herzegovina, the Republic of Moldova, and representatives from some international organizations.*

*The next quarter is one busy in activities for the Centre's researchers. The National Defence University "Carol I" organizes the session of scientific communications, STRATEGIES XXI (17 – 18 April) on "Security and defence in the European Union", divided in 13 sections. There will attend figures from the Romanian Government, the Minister of Defence, the Minister of Education, Research and Youth, state secretaries from the Ministry of Education, Research and Youth and the Ministry of Interior and Administration Reform, rectors from military and civilian superior teaching institutions, other figures of the Romanian scientific community. CDSSS will handle the section on "Security and defence".*

*Two researchers from the Centre for Defence and Security Strategic Studies within the National Defence University "Carol I" will participate in Slovakia, in April, 1-6, to some international scientific activities of the "Visegrad Group".*

*Another international activity where the Centre will be represented is the Conference on "Present and future threats to security – their influence on armed forces development", that will take place in Warsaw, Poland, 9-11 April.*

*Another important activity is the Seminar on "Opportunities and perspectives for the national defence industry after Bucharest NATO Summit" organised by the Centre for Defence and Security Strategic Studies from the National Defence University "Carol I" together with C. N. „Romarm", on May, 23rd, 2008. Prominent figures from the Ministry of Defence's leadership are invited to give lectures.*

*The most significant scientific activity organized by the Centre, this year, is the Annual International Scientific Session, organized in November. Information on signing-up for this session will be posted on the Centre's website, <http://cssas.unap.ro>.*

Irina CUCU



## INSTRUCTIONS FOR AUTHORS

*On selecting the articles there are taken into consideration: the area of the subjects presented in the magazine, the actuality of the topic, its novelty and originality, its scientific content and the adequacy to the editorial norms adopted by the magazine.*

*The paper sent to be published should not have been published (print or online) or simultaneously submitted to another publication. The article should not contain any party political connotations.*

*The papers' scientific evaluation is done by two scientific experts that are either professors or senior fellow researchers.*

*The article, written both in Romanian and other foreign language (English, French) may have maximum 10-12 pages (6.000 – 7.000 words) and has to be sent both in print and paper, using Times New Roman font, size 12, one line, and the tables and schemes have to be printed separately.*

*The text has to be preceded by an abstract which is not to exceed 250 words, both in Romanian and English. The papers have to be signed adding the authors's scientific degree, name, first name, name and have to end with a short curriculum vitae, 60 words maximum, specifying the professional qualification, the institution he comes from and other information considered necessary, including the e-mail address.*

*The footnotes are to be included by the end of the article and have to respect the international regulations. Authors can publish only one article by issue.*

*The text has to present an easy structure, using titles (subtitles). The abbreviations will be marked on the text only at their first mention on the text. It is likely to end the papers with some important conclusions regarding the importance of the research.*

*The articles will not use classified information.*

*As the magazine does not have a profitable purpose, the articles cannot be paid.*

*Our address is: National Defence University "Carol I", the Centre for Defence and Security Strategic Studies, 68-72 Panduri Street, sector 5, Bucharest, Romania, telephone: (021) 319.56.49; Fax: (021) 319.55.93, e-mail: [cssas@unap.ro](mailto:cssas@unap.ro), web address: <http://cssas.unap.ro>, <http://impactstrategic.unap.ro>*



*After six years since its first edition, STRATEGIC IMPACT magazine, edited by the Centre for Defence and Security Strategic Studies from the National Defence University “Carol I” is a quarterly scientific magazine acknowledged locally and internationally for the wide area of topics - the political-military present, security strategy and military security, NATO and EU actions, informational society, strategic synthesis and evaluations, a special column “Strategic Event” that studies the strategic impact of the dynamics of the actions undertaken nationally, regionally and globally.*

*STRATEGIC IMPACT has as collaborators important researchers and personalities within the scientific research area and from the civilian and military university system, both national and international, from the Ministry of Defence, General Staff, services’ staffs, the Ministry of Interior and Administration Reform, Ministry of Foreign Affairs, military units and other state’s organizations, NGOs, companies, etc.*

*The international acknowledgement of the magazine’s quality is confirmed by its editions presented on sites belonging to prestigious foreign institutions (The International Relations and Security Network of the Swiss Federal Institute of Technology Zürich; Defence Guide, in collaboration with the Hellenic Institute of Strategic Studies – HEL.I.S.S.), The Institute for Development and Social Initiatives – IDIS from the Republic of Moldova – the virtual library for political and security studies, etc.*

*The magazine is accredited by the National University Research Council and acknowledged as a B+ magazine that demonstrates the potential to become an international acknowledged magazine.*

*STRATEGIC IMPACT is a representative forum for reflection and debates on topics related to strategy and security for the scientific, academic, national and international community.*

*At present, STRATEGIC IMPACT magazine is issued separately in two editions, Romanian and English, and disseminated in the domestic and international scientific environment and also to the main institutions involved in security and defence.*



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