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STRATEGIC IMPACT

EDITORIAL

STRATEGIC IMPACT, 12 YEARS OF PUBLICATION

STRATEGIC IMPACT bilingual quarterly scientific journal edited by the Centre for Defence and Security Strategic Studies is a "scientific journal with acknowledged prestige in the field of Military Science, Information and Public Order", according to National Council for Titles, Diplomas and Certificates (CNATDCU).

Confirmation of the journal's scientific quality is also given by its indexation in CEEOL (Central and Eastern European Online Library, Germany), EBSCO (USA), ProQuest (USA) and Index Copernicus International (Poland) international databases, as well as in library virtual catalogues of prestigious foreign institutions such as NATO Multimedia Library and several universities with military profile in Poland, Czech Republic, Hungary, Estonia and so on.

We are glad to share with our readers the fact that in 2013 we celebrate twelve years since the first issue of STRATEGIC IMPACT. Further on, we are going to signal new aspects concerning CDSSS leadership and the members of the Editorial and Scientific Board.

In March, Mr. Petre Duțu, PhD senior researcher, ended his long and fruitful scientific activity in CDSSS, whose director he was in the last period. Nevertheless, the journal will continue to benefit from his experience as a member of the Scientific Board.

The new director of the Centre for Defence and Security Strategic Studies and editor-in-chief of STRATEGIC IMPACT is Colonel Stan Anton, PhD lecturer.

To the prestigious academics of Editorial and Scientific Board added new members from Romania and abroad, which will facilitate the peer review process that watches over the quality of the published articles.

The main objectives that the editors have set for this year are, on the one hand, to continue the extending of the number of databases for indexation and, on the other hand, to broaden and consolidate relations with institutions and research centres worldwide.

The articles in this edition circumscribe in the typical topics of the journal: political-military topicality; geopolitics and geostrategy; NATO and EU policies, strategies and actions; security and military strategy; analyses, synthesis, evaluations and points of view. Our readers will also find the traditional column depicting the activities of the CDSSS for the first trimester of this year and a review of the book "Science in the Mirror", coordinated by Lt.Gen. Teodor Frunzeti, PhD professor and Cpt. Marinel-Adi Mustață, PhD.

In the end, we would like to point out that no. 2/2013 of the journal shall be dedicated to the theme "The Impact of European Union Member States' Status and Roles upon European Security Evolution" which is going to be approached within the international seminar that CDSSS is organising at the end of May.

The Editors

ASYMMETRIC, UNCONVENTIONAL AND HYBRID ACTIONS IN 21ST CENTURY WARFARE

Teodor FRUNZETI, PhD*

While the nature of warfare is not changing, the physiognomy of conflicts and warfare alters and evolves constantly. It is obvious that interstate wars will not totally disappear but the conflict per se will get new dimensions with the adaptation of potential combatants to progress in science and technology and especially to the new characteristics of the international security environment.

There will be frequent asymmetric, unconventional and hybrid actions in the 21st century wars which will affect their privacy rendering them unrepeatable.

Keywords: international security environment; 21st century warfare; asymmetric actions; unconventional actions; hybrid actions.

Introduction

The events of the first decade of the twenty-first century have demonstrated that, in terms of the international security environment, change is the only constant. There have been identified new risks, dangers and threats of global scale and high intensity, such as terrorism, proliferation of weapons of mass destruction, organized crime, and other processes and phenomena which, in addition to the benefits to human society, can have a negative impact such as globalization that intensifies those listed above. All these items cannot be understood through the security paradigm specific to the last century. The nature of the conflict has evolved dramatically in the last decade, beyond conventional battles between armies of nation-states, towards irregular conflicts and instability. This trend occurs worldwide and is an important feature of the security environment of the twenty-first century.

Most armed conflicts in the last decade took place either between sub-state groups or between such groups and conventional military forces, so that the probability that the next threat to national and international security come from national armies is reduced. According to the Uppsala Conflict Data Program (UCDP), in 2011 there were 27 intrastate armed conflicts and only one interstate conflict[1], but globalization makes the differences and conflicts in a state to have an effect on neighboring states and even on other distant countries.

The conflict in a state or region may favor the development of transnational organized crime networks, can develop into civil war that often leads to humanitarian catastrophe and massive refugee flows or can cause the formation of "sanctuaries" of terrorism and dissemination of radical ideologies.

The tasks to be undertaken to counter these risks, dangers and security threats will not entail hiring an army against traditional national army, but an unconventional conflict against non-state enemies using asymmetrical tactics.

* Lieutenant General professor Teodor FRUNZETI, doctor in Military Sciences and in Political Sciences, is the rector and commandant of "Carol I" National Defence University in Bucharest, Romania. E-mail: tfrunzeti@unap.ro

1. Considerations on the international security environment

The issues of the twenty-first century warfare cannot be analyzed without reviewing the main elements of the current international security environment, since the study is not limited to armed forces and theaters, but it must take into account the impact of political, economic, social, cultural, technological and ecological factors. These factors do not act independently but are related, and the effects are felt in all areas of life.

The demographic changes represent one of the factors with repercussions in all areas of life, including in the war area. The security environment of this century is and will continue to be affected by four main trends: the relative demographic weight of developed countries will drop by about 25%, the economic power shifting to developing countries; the workforce in developed countries will age and its number will decrease, thus increasing the demand for migrant workers; the population increases and will increase the most in the poorest countries, for the first time in history, the world is increasingly urbanized and the largest urban centers are formed in the poorest countries.[2] The growth and concentration of population in urban areas of poor countries, coupled with the decrease of population in the developed countries have obvious implications on conflictuality, in that it can form centers of crime and extremist ideologies and urban insurgency may develop.

In economy, it is considered that the world faces its worst economic and financial crisis since the Great Depression of the '30s to the present. Most developed economies of the world have been or are still in recession, emerging markets recorded a significant decrease in growth and developing countries are fully exposed to external shocks. The poor resistance to impact of the latter makes that the impact of the financial crisis on developing states to be more powerful than the developed economies. It also leads to the concentration of military power – at least in terms of defense budget, and also the development and innovation – in some countries that have the ability to increase spending in this regard.

The energy problem is another factor that has grown in the twenty-first century. Almost half of the world's oil supplies, the main source of energy, is concentrated in 116 large-scale oil fields and

for the near future is foreseen a dramatic decrease in production as available reserves, not being as easily accessible as before, will require increased operating expenses that a developing country cannot afford.[3] Some countries are already in dispute over oil resources in the Arctic, Central Asia, Africa and the Middle East, creating the possibility of the outbreak of proximity wars.

In addition to these issues of utmost importance, the international security environment is characterized by the risks, dangers and threats derived from: reductions in water, coupled with population growth, climate change and increasing natural disasters, the development of a new dimension of war, the space one, and the desire of certain international actors to achieve space superiority etc. Also, we must report reported to be unable to stop the phenomena that originate in or are stimulated by the problems listed above, such as illegal immigration, terrorism, corruption, organized crime, proliferation of weapons of mass destruction, piracy, failed states, etc.

The processes, phenomena and items listed determine an increase in complexity and unpredictability of crises and conflicts. The asymmetric, unconventional and hybrid actions will dominate the twenty-first century based on discontent, resentment, perceived inequalities and inherited ideologies that constitute the engine of terrorism, insurgency and criminality. State, non-state actors and individual participants will be involved, which will operate at both local and global level, anywhere in the world where they can get an advantage over their opponents and objectives. Thus, this century is characterized by blurring the distinction between military and civilian regarding the use of violence and the threat of force. The greatest risk of causing a large-scale conflict will be in areas economically vulnerable, poorly governed, subject to demographic and environmental pressures, characterized by deep inequalities, but also with a rich history of conflictuality.

So, we can say that the current international security environment, particularly the 21st century war will be characterized by several strategic trends, such as the growing importance of information, the development of irregular and conventional capabilities, the increased importance of non-military aspects of the war, the expansion of the conflict beyond the traditional battlefield,

force protection improvement, the increase of nuclear power and of the degree of difficulty of the interventions environment.[4]

In what follows, we will analyze the complexity and interdependence of warfare in the twenty-first century war in conjunction with the new features of the international security environment.

2. Complexity and interdependence of combat operations in the twenty-first century warfare

2.1. Warfare in the 21st century

Constant threat to life of human societies, throughout history war has fueled numerous works that denounced the terrible and evil character that accompanied it. Also, it has never ceased to attract interest, provoking judgment to grasp its true nature. Many theorists have been keen to describe this multifaceted reality, to understand how it functions, to determine any limiting and, on civilian level, eradication principles.

From Francisco de Vitoria to Carl von Clausewitz, from Alberico Gentili to Emer de Vattel, from the question of "just war" to that of "absolute war", through "regulated wars" and those of civil wars, it seems that the reflection on this social phenomenon has fluctuated between three main issues: theological-moral, legal and political, anthropological and political.[5]

Since the end of the Cold War, new reflections on the phenomenon of war have occurred: the idea of a "rosy future" warfare (Philippe Delmas) or on the contrary, that of an obsolete war (John Mueller).[6] However, after the events of September 11, 2001, the general trend in academia and journalism was to believe that the world would enter in an era of asymmetric conflicts.[7]

On the other hand, the current thinking in strategic studies does not suggest any ontological or epistemological rupture from the reflection at the beginning of the end of the bipolar era. Rather, it is about implementing these new conflicts in a general typology which often takes as its starting point a triptych between intrastate, civil and other conflict.

Some believe that, after September 11, 2001, the works on the types of war have changed their approach on this phenomenon.[8] This event triggered an unprecedented rebound of war studies. Thus, researchers have started to pay attention and time to explaining the fundamental changes occurring

during a war. For example, Pascal Boniface published in November 2001, his "Les Guerres de Demain", which comes with new elements on the typology of wars.[9] Referring to future wars, he mentions 24 types of conflicts, from civilizational wars to those who use cyberspace[10].

The most popular typology in the mentioned period is the one proposed by Thomas X. Hammes, in his "The Sling and the Stone. On War in the 21st Century"[11], which talks about four generations of war. In fact, this classification was originally made by William S. Lind, Keith Nightingale, John F. Schmitt, Joseph W. Sutton and Gary I. Wilson[12] in 1989.

The twenty-first century is characterized by two major paradigms. Western countries are constantly at war at distance for their interests. In addition, they put into practice the doctrine of "zero deaths". For this, they either call mercenaries and/or the power of technology[13]. If to these considerations is added the fact that, currently, non-state groups as religious extremists and narco-traffickers are actors that are involved in armed conflicts, then we have the full picture of what future warfare means and will mean. Basically, the war in the twenty-first century, in addition to conventional warfare between states, asymmetrical, unconventional and hybrid actions, worn usually by non-state actors, manifest more strongly.

2.2. Correlation between asymmetrical, unconventional and hybrid actions in 21st century warfare

2.2.1. *Asymmetrical actions in 21st century warfare*

Current wars, that is those occurring after 2001, include, among other forms of warfare asymmetrical actions. These are not new[14], they have been present throughout human history, in almost all the wars of the past[15]. What is new about twenty-first century wars, in terms of asymmetric actions, is that they are waged almost exclusively by non-state actors (for instance Islamist neoterrorism, degenerated guerrillas, transnational criminal organizations, narcoterrorist, violent irrational entities).

Asymmetry occurs at strategic, operational or tactical levels. Basically, the asymmetry in a war is about adapting to an opponent or a security threat. Partially or totally, this adaptation can be integrated into a more conventional formula of confrontation,

moving and expanding the field of conflict from a simple battlefield to political and media space.

In addition, today's opponent is a priori incomprehensible, elusive and irrational, because of the objectives, organization and/or its methods used to achieve the proposed goals. The opponent is incomprehensible because its resources (human, financial, informational) are much lower than those of its enemy. Thus, in Afghanistan, the insurgent forces are much lower in number, equipment and means of warfare and not only, compared to the multinational military coalition forces operating there under a UN mandate. However, the insurgents, using means of warfare often improvised, cause human and material losses to coalition forces. The imperceptible epithet given to the opponent takes into account the fact that it is not organized in military structure similar to that of a national army, but acts individually or in small groups and seek fulfillment of concrete, tangible objectives and have a great psychological impact on the population and enemy forces. In this respect, a great example is the open networks like Al-Qaeda, where the network elements appeared and disappeared in a continuous manner, and could not be vulnerable to indirect actions[16]. In addition, it seems that a part of the population provides concrete, material and moral support. Frequently, after executing a combat action, this elusive opponent is "hiding" among the population. The opponent is irrational because it opposes a numerically and technologically superior enemy, and not only, but also because they do not care about the civilian victims accidentally in their area of action.

At the same time, asymmetrical actions cover a wide spectrum of modes from non-violence to political violence, from terrorism to certain types of information warfare. The latter is considerably facilitated by the revolution in information and communication technologies both states and non-state actors have access to. However, asymmetric actions are defined by the fact that one of the players does not respect the common rules set. In case of a war, the rules are often established for the benefit of one of the protagonists, who thus find a way to ensure, once again, their superiority. It is only natural that, after trying to follow the rules of the game, which did not favor them, the enemy seeks to bypass them in order to restore balance, resuming their upward or initiative to compensate for a weakness that otherwise would be fatal[17].

Therefore, knowing the mechanisms of asymmetric actions leads to understanding the nature of objectives and identifying the logics which allow belligerents to achieve their intended purpose[18]. The enemies in any war, asymmetric or not, build their global strategy around three dimensions: the purpose of the action (for instance overthrow a regime and putting a new government in place), available resources (finances, personnel, weapons) and the path chosen to achieve the objective (by force or political means).

Asymmetric actions are based on a strategy also asymmetric. The fight against asymmetric strategies is fought at three levels[19]: information, strategy and action. They are required to be addressed by a comprehensive, integrated and particularly offensive manner. Each of the three components has a decisive role in waging asymmetric actions. Their achievement, apparently distinct, is in fact interdependent.

Thus, the information is not intended only for the normative knowledge of people and structures responsible, but rather for understanding the motivations, objectives and their lines of force. In other words, it must penetrate their mental universe, which means that belligerent should rely less on the benefits of technological and/or human resources and more on the full integration of information in decision making process.

Regarding the role of the action's strategy, it involves taking a comprehensive and antiterrorist approach of the offensive and defensive means, civilian and military, counter-terrorist and antiterrorist, political, economic and social. The goal is not to be limited to removing the asymmetric force, but to transform the conditions of his action in the sense of legitimacy among the population that supports it politically, morally and even logistically. For example, a good strategy against terrorism must ensure exit doors for the asymmetric opponent. In this way, the latter has the power to place the action in a symmetrical perspective, hence the need to reduce the drama of negotiations on necessary concessions and recycling the former enemy combatants in intelligence or psychological action units.

The action itself is designed to provide information control before and after the decision, but also the communication itself. Beyond the informational dominance the U.S. conceptualized in the first Gulf War (1991), which favors control

of data and knowledge, it means controlling the influence, especially on the local population, which is the key of asymmetric warfare.

2.2.2. Unconventional actions in 21st century warfare

Unconventional actions are waged by both nonstate and state actors. The latter calls for such battle tactics and procedures when they counteract the actions of non-state actors. Therefore, we can say that unconventional actions are a response to unconventional threats (terrorism, organized crime and so on). They are generated by three new factors that have emerged in modern commitments[20]:

• populations – they are more often the stake of military interventions either to protect them from the consequences of a conflict, or to facilitate their return to their country;

• modern employment conditions – they are different from the past ones, as we are witnessing a voluntary or involuntary involvement of populations in a conflict where the belligerents are no longer separated by a linear front and where the distinction between civilian and military targets is least respected;

• multiplication of actors in a theater – it is about the political and local authorities, international organizations, governmental organizations, NGOs, the forces engaged.

On the other hand, the unconventional actions are taken by non-state actors who, in order to achieve their political, ideological or religious goals, use the asymmetric warfare methods and procedures. The main reason for such a practice is the lack of human, material, financial and information resources in relation to those of the government forces. Overthrowing by the non-state actors the unfavorable balance of forces in armed combat is done by generating effects compensating to a large extent, the differences from the institutional and state opponents.

Exercising the unconventional armed violence applies to combat methods of asymmetric systems equipped with physical military capabilities too low to cause damage that threatens the major center of a modern classic army or the gravity center of a state. It describes the manner in which militarized organizations must compensate for this weakness by indirect actions on the opponent's psyche, on that of potential allies and of the population[21]. The effects pursued all have a common point: to convince the population, state institutions, internal and military security forces about the futility of their struggle and its exorbitant cost.

As an instrument of political violence, guerrilla is designed as a military strategy in the service of a political insurrection action. There are two historical variants:

• a revolutionary version, aiming to end an oppressive and illegitimate regime (for instance Cuba between 1953-1958 or South Vietnam from 1954 to 1975);

• a nationalist variant whose aim is to end the colonial regime or to drive a military occupation force (in the case of Algeria between 1954-1962).

The rebels need time to organize their political machine and engage a process to generate the military force. This period will be used to strengthen their legitimacy among the population. Once the desired power acquired, overthrowing the adverse regime or removing a foreign occupation army will be done through the classic victory. So they have to practically plan and lead a military strategy of attrition against regular and internal security armed forces as well as an indirect strategy that appeals to terrorist methods, propaganda and disinformation designed to demoralize the legal authorities, combining them in an integrated strategy. Therefore, unconventional armed violence is not at the reach of all the organizations.

To avoid the enemy classic military superiority, the militarized actions will be taken with a different approach from conventional combat[22]. In this regard, the following measures are adopted:

• not accepting a decisive battle in which superiority in mobility and firepower of regular forces may be predominant;

• renunciation of military devices marking a certain front line in the field, the rebels will take a maximum dispersion from adverse device;

• availability of safe regrouping area, where the units will be reconstructed between the two operations, this „sanctuary" must be difficult for regular forces or far enough from the enemy bases to give the guerrilla members time to withdraw. Properly arranged, this „sanctuary" will serve as tactical or operational logistics base.

Professional Western armies equipped the same as the American army, that is relying on the conjunction of the trajectory precision and development of sensor networks can overcome certain technical difficulties they faced in the past.

From this point of view, we can say that:

• geographical distances disappear under the effect of air-mobility and overall control of the third dimension, today, there are no inaccessible places geographically;

• identifying significant military bases and units becomes easier, there are observation systems capable in all weather conditions to identify the positions of military structures and even of isolated fighters;

• targeting/ identification / processing / evaluation loop is reduced to a few tens of minutes and authorizes strikes on opportunity targets of small volume or dimensions;

• collateral damage is less extensive than in the past, by the accuracy of fire, combined with the missile and vectors' depth;

• classic conventional armed forces have the capacity to fight at night and in any weather conditions, while guerrilla has no such capacity.

Among the enemy asymmetric influencing forms[23], there are:

• decredibilization achieved through intimidation, using military methods (sniping, obstacles, mines traps, ambush) and non-military methods (popular events, press campaign, rumors, kidnappings, assassinations);

• paralysis achieved through operational and tactical movements performed by military methods (sabotage, use of surface to air missiles, mines, bombs, ambushes, suicide attacks) and non-military methods (strikes, popular uprisings);

• dislocation, using both military methods (bombings, assassinations, kidnappings of military leaders and civilians, suicide) and processes non-military (civilian blockade).

At the same time, the unconventional actions are aimed at:

• degradation of military effectiveness of a classic force through: denial of the enemy force capacity to achieve a decisive military victory by decredibilizing the military, clearly showing the public and government the operational failure of the armed forces;

• paralysing the field deployment through delay actions at the operational and tactical level and dislocating the enemy's main effort by isolating and beheading all or part of the enemy army;

• controlling the population in order to turn it against the institutions by conquering it fully or partially. To this end, they seek to[24]: seduce and alienate the population in order to turn it against the government; terror to remove a portion of the population that they cannot control.

2.2.3. Hybrid actions in 21st century warfare

Wars of the twenty-first century include, as conflicts after 2001 have shown, and will include hybrid actions as a form of armed struggle. Therefore, we can say that in the future there is a tendency of a hybridization of the war, which will take place on two levels: that of the modes of action and that of the actors and their alliances[25].

The hybrid actions combine conventional, asymmetric, terrorist, of organized crime capabilities in order to lead to unique and often innovative actions and can simultaneously reveal symmetry and asymmetry. Firstly, it's a hybridization of the modes of action. Guerrilla-type terrorist or organized crime organizations seek to acquire the skills and abilities specific to national armies: electronic and cyber war, drones, surface-to-air missiles with associated radars. They remain in the line of Mao's theory of revolutionary war, but from now on, state armed forces look, in turn, to expand their asymmetric warfare capabilities as the statements of the 2009 Iranian armed forces' commanders show[26].

The convergence of techniques and modes of action renders the dichotomy between symmetry and asymmetry increasingly vague. It is rather a systematic combination of the two, especially since the hybridization of the alliances between state and non-state actors allows these alliances to regroup their symmetric and asymmetric capabilities. The strategic alliance between Hamas, Hezbollah, Iran and Syria is the archetype of another type of hybridization. For example, deterring Iran towards Israel is based on the ability of its allies to open three fronts simultaneously against this country, two of which are asymmetrical. The respective alliances are not specific to a new kind of war, but they make the distinction between small or large and asymmetrical and symmetrical distinction between conflicts look obsolete. This reality involves a difficulty in representing the forces.

On the other hand, in the future, most capable opponents may seek to combine the actual destructive capacity with traditional war asymmetric or catastrophic forms[27]. In this sense, many analysts speak of a mixture of forms of war by combining the increasing frequency and

lethality. This construction is described most often as a hybrid war, where the opponents will most likely present unique hybrid threats targeting the vulnerabilities of the state/states attacked.

Therefore, the hybrid actions will be a simultaneous mixture of all forms of war (conventional, asymmetric, terrorist) and corresponding tactics[28]. The criminal activity also can be considered a part of the problem because it destabilizes the local government the most or encourages the insurgents' fight by providing them with resources. Virtually, non-state actors using hybrid actions perform an innovative mix of strategies, tactics, technologies consistent with their strategic culture, geography and targeted objectives.

The hybrid actions incorporate a full range of modes of warfare, including the conventional ones, tactics and asymmetrical forms, terrorist acts including blind violence and coercion and criminal disorder. These multi-modal activities can be carried out by separate units or by the same unit, but, in general, from operational and tactical point of view, they are led and coordinated in the primary battle space to achieve synergistic effects in the physical and psychological dimensions of conflict[29]. The effects can be obtained at all levels of war. Thus, the compression of war levels is complicated by a simultaneous convergence of modes. The novelty of these innovative combinations and adaptations of existing systems by hybrid actions represents another complexity of the current century warfare.

The hybrid forces can effectively incorporate advanced technological systems in their structure and then use them in manners that are beyond the parameters initially set. From a functional perspective, the hybrid military forces are superior to Western forces in the hybrid warfare they are waging against these ones[30].

The hybrid actions combine conventional the lethality of conventional conflict with fanatical fervor and longer duration of asymmetrical warfare. In hybrid conflicts, the future adversaries (states, groups of states or non-state actors and individuals) will exploit the access to modern military options, including the coded control systems, portable air-to-ground missiles and other lethal systems that favor prolonged insurrections using ambushes, improvised explosive devices and coercive assassinations.

2.2.4. Relations between asymmetric, unconventional and hybrid actions in this century warfare

The analysis of the ways in which asymmetric, unconventional and hybrid actions occur in this century warfare and also that of the actors that use them, highlights two essential characteristics of the relationships between them: complexity and interdependence.

The complexity of the relations between asymmetric, unconventional and hybrid actions lies in:

• the ways in which these actions are taken within a conflict – usually, the asymmetric modes are preferred;

• the non-state actors who use these types of actions – usually those players are about the same. It is about terrorist groups, guerrillas, insurgents, organized crime. Of course, state actors also use, in response to attacks by non-state actors mentioned above, unconventional and hybrid actions;

• content and nature of the relations with the people in the combat actions' area – in asymmetric, unconventional and even hybrid actions, non-state actors are always looking to attract people to their side, or to demoralize, terrorize and frighten them not to support government forces;

• strategies, tactics and means of warfare used – non-state actors use any strategies, tactics and conventional combat means, modern and improvised to achieve their goals. Sometimes even state actors resort to hybrid modes of action to combat non-state actors, in their capacity as belligerents;

• venue of warfare – very often, asymmetric, unconventional and hybrid actions are conducted in urban territory, densely populated areas, difficult to monitor and control by the state police and military forces;

• diversity of relationships between various non-state actors during the course of asymmetric, unconventional and hybrid actions – there are relations of cooperation and collaboration among the various non-state actors in current armed conflicts, of logistical or financial support, and sometimes when their general interests do not coincide, conflicting relations may occur.

The interdependence of the relationships between asymmetric, unconventional and hybrid actions is given by:

• *the relative proximity* of the strategies, tactics and means of warfare used by non-state actors in conducting the conflicts they are involved in. In the brief description of each type of action are presented the strategies, tactics and combat range means used;

• *the objectives pursued* by non-state actors are roughly similar; asymmetric, conventional and hybrid actions are aimed at weakening the power and influence of local and central authorities, discrediting the security and military forces, manipulating the population and sowing distrust within the government;

• all modes of action are directed against governments, local authorities, the military and security forces of the country where the armed conflict occurs, seldom asymmetrical, unconventional or hybrid actions are not aimed at military forces, government and state institutions with security responsibilities;

• the effects of asymmetric, conventional and hybrid actions are cumulative and act in the same direction and meaning. The effects pursued by any way of action, similar or not, contribute to discrediting the local and central authorities, of the military and security forces;

• the modes of action takes place around the same physical and virtual space. The asymmetric, conventional and hybrid actions, occur both in the physical, real, tangible space of densely populated settlements and in cyberspace.

Conclusions

It can be said that the future operational environment will be characterized by a constant and rapid change. The trends manifested in the economic, demographic, and climatic resources will generate at local, regional, and global level a competition of interests which, in turn, will exacerbate the tensions and extremist manifestations. The frequency of intrastate conflicts between ethnic, tribal, religious or political groups will intensify and increase, contributing to and being amplified by the fragmentation of states, transnational organized crime, competition for resources, migration and urbanization. The venues of these conflicts will vary: rural, urban, air, maritime or virtual.

From the above it can be concluded that the war is practiced in different environments and contexts

and the contemporary period is marked by the increase of complexity of the method of waging it. The legal, technological, social and environmental context specific to the 21st century will contribute significantly to the increase of its complexity and will create major challenges for those engaged in the planning and conduct of operations. The states, developed and integrated into the international community, will comply with international rules on the use of new technologies, human rights and the environment, while it is possible that the poor and poorly integrated states, and some non-state actors, to violate international law, using forbidden unconventional means.

Although the security environment of the twenty-first century is particularly complex, however, some trends can be drawn regarding the armed conflictuality and warfare. In this context, it is noted the development of three main types of military action – asymmetric, unconventional and hybrid – which have complex interdependence relations. Hence: "... each war, each armed conflict has specific unrepeatable elements, which confer its own physiognomy, totally different from previous and future conflicts"[31].

The adoption of such tactics by state and non-state actors as the main way to impose their own combat objectives against advanced armies represents the key characteristic of modern warfare. The access facilitated by the globalization to light weapons, as well as the information and communication technologies will increase the threat of irregular shapes of war toward which the international community will have to adopt a clear common position to provide assistance and security for the affected population.

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27 Frank G. HOFFMAN, "Hybrid Warfare and Challenges", *Joint Force Quarterly*, Issue 52, 1st quarter 2009, URL: http://www.smallwarsjournal. com/.../jfqhoffman.pdf, p. 4.

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CONFLICTUALITY AROUND THE WORLD IN 2012 – SOURCE OF INSTABILITY AND INSECURITY

Petre DUȚU, PhD*
Vasile DOBRESCU**

Today's world is characterized by conflictuality on all plans and levels. Several phenomena are the sources of conflict situations: globalization, climate changes, competition for resources, economic, political, social and energy crises, international migration, the rapid increase of the world's population. Some of its forms of manifestation could be violent and destructive.

Conflictuality, as we know it nowadays, will still be existent in the following years, taking into consideration that there is no universal panaceum for eliminating it or to drastically diminishing it. Though, by putting together constructive efforts of the involved actors, it is possible to reach viable and lasting solutions.

Key-words: conflictuality; globalization; climate change; international migration; population; crisis; resources.

1. Preliminary conditions

In the process from peace to war, three levels can be distinguished. The conflictuality is a concept with multiple definitions. In this way, it is meant for it to cover a complex reality, quite omnipresent in the whole human activity domains and frequently with negative connotations. Conflictuality could be defined as a status of tension resulting from latent threats and hard to be identified, which could lead to conflict[1]. Conflictuality is the ascertainment of a difference and the search for a proper mediation, while the crisis is "a thorough derangement related to questioning a system of principles unthinkable by then", and, last, the conflict, which is "a confrontation between persons or groups of persons"[2].

Comparing to crisis, conflictuality does not have a limited duration and it is not linked with a specified event. Alike, conflictuality is distinct from the conflict, because it cannot be translated by a confrontation[3].

In the evolution of international relations and of states, conflictuality appeared to include the space which separates peace from conflict. It is a key-faze, because its development will result into conflict. On the opposite side, its diminution will be the source of a new momentarily equilibrium,

* Petre DUȚU PhD in Military Sciences is senior researcher, Bucharest, Romania. E-mail dutupetre63@gmail.com
** Major Vasile DOBRESCU undergones his activity in "Codrii Vlasiei" Inspectorate for Emergency Situations of Ilfov County and is PhD student of "Carol I" National Defence University, Bucharest, Romania. Email: dobrescu_laur@yahoo.com

because it will get to new forms of conflictuality.

In our opinion, conflictuality can be defined in three ways. Firstly, conflictuality is a **status** of two or more actors[4] who strive for something (a commodity, an opinion or an idea), linked with an interest which is looking to be satisfied. Practically, in this way, conflictuality creates or at least defines the context and the climate where the actors strive for something. Then, conflictuality symbolises the way in which *a report* is established and develops between the actors who are looking to satisfy an interest or a considerable purpose for themselves. Lastly, conflictuality involves a *social phenomenon*, as it is characterized by: long duration; high-rate appearing and manifestation; presence within almost all over the world and within the entire human bailiwicks.

Surely, between the tree forms of existence and manifestation of the conflictuality there is an interdependence report. In this way, there is conflictuality in the domain of the international relations too. In the evolution of the states and of international relations, conflictuality includes the area which separates peace and conflict. It is an important phase, because its development will led to a conflict. Though, in its evolution, conflictuality could pass trough a moment of stability, the latter will be the source of a new conflictuality. In this way, by the fall of the Berlin Wall, the bipolar world has been stopped and there has been the pass to a new world order, which, after a short while, became a new source of conflictuality between state and non-state actors on the international scene. In this new background, countries and the non-state actors do not apply anymore the same type of solidarity in front of a common enemy as they used to before. Beyond that, there can be seen the apparition and manifestation of geo-economic discrepancies. Nowadays, economic competition becomes the main field of confrontation between states, political-military or any other type of organisations.

Conflictuality is not generated only by internal causes which depend on one or another state actor. Today, in the world's context created by globalisation, a conflictual situation can exist within a state without the necessary and sufficient wherewithal of the state to control it. Furthermore, the inter-states conflicts can be coordinated in the benefit of an entity above-the-state.

Therefore, the notion of conflictuality seems to allow a better understanding of the phenomena which came up from the disturbances of the end of the XXth century[5]. Conflictuality can take different forms between the actors of the international scene. One of its forms of manifestation is *the social conflict*. The nowadays economic-financial world crisis has negative effects not just in the economic plan, but also in the social one. Generally, the world's financial institutions (for example, International Monetary Found, World Bank) recommended governments an austerity program to surpass the crisis, and most of the governments started to apply these programs. The consequence was the rise and the development of important social conflicts within all states which applied the austerity to surpass the economic crisis. Practically, in some European states took place social protests of those who were affected by such measures. For example, the protests from Greece[6] and Spain were very violent, with confrontations between manifestants and public order forces.

The armed conflict is another form of manifestation of conflictuality. Hence, it can be said that such a phenomenon is generating instability and local insecurity, at national, regional, even international level. Some of the armed conflicts are resolved by a peace trade or by a cease-fire trade. Other, by various reasons, remain into a quasi-latent status, that could break out any moment. In these sense, a cogent example can be the conflict between Israel and the Palestinians, or the so called cold conflicts.

The political, ethnical or religious conflicts are other forms of manifestation of conflictuality as a phenomenon. Their effects could be terrible for the stability or security of some countries and regions. Many of them are turned off by a long-term solution, when the involved parts get to their targets and purposes.

2. Causes of the conflicts around the world

The social, political, economic, military and other conflicts have approximately similar causes at national, regional and international level. Our statement starts from the fact that processes and phenomena like globalisation, climate change, international migration (legal or clandestine), urbanisation, the fast growth of population in developing countries and low rate birth and ageing of population in the developed countries, the

economic, financial, energy, alimentary[7] crisis, the competition for resources, especially natural, have a considerable impact for the social, political, economic, military and environmental stability, at all levels mentioned above.

Hereby, *globalisation*[8], a complex phenomena, multidimensional and quite omnipresent, is generating both favourable and unfavourable effects, which affect both individuals, human groups, the local community, states, the non-state actors (for example, multinational companies, economic or other type organisations). Most of the opinions lead to the affirmation that persons, community and rich states take benefit from the effects of globalisation. That is because globalisation brings along free commerce of people, ideas, goods, capital, in this way opening free access for competition in all fields of activity. In our opinion, competition, facilitated by globalisation, brings advantages to those who have a high-level of knowledge, assets in research and development, at personal, group or national level. People, communities and states which do not have the proper and sufficient resources cannot combat competition and they remain at the same developing level, having the tendency to keep decreasing.

The climate changes bring modifications in almost all fields of activity within local communities, states and regions, influencing thus life of the populations all around the world. The lowering level of rainfall in some areas and the growing level in others generate different phenomena – drought and flood – which lead to changes of the way of living and of nature of the human activities, which could generate social, political, economic, and any other type of tensions and conflicts. On the other hand, global warming leads to icebergs melting, to thinning of the ice at the poles, which has an effect both on raising the level of the oceans and on facilitating the exploitation of natural resources in the Arctic area. In the first case, population living in the flowing areas has to leave, putting pressure on the localities and areas which are favourable for living and human activity, which can generate social, political, economic or military conflicts. In the second case, the resources in the Arctic area are attractive, so a lot of near-by states declare their right to exploit it. This tendency can also create tensions and conflicts among state and non-state actors, which are interested in the wealthy of the zone.

International migration, legal or illegal, is a very developed demographical phenomenon. The movement of people is continuously made from the rural to the urban area, on the internal plan, and from the less developed countries to the more developed countries, on the international plan. Accordingly to the UN population Division, which actualised data and previsions in 2008, the international migrants stock represents 3% of the global population, meaning 190 million persons[9]. In 2005, 37% of the total international migrants were from emergent countries. Thereby, 28% of migrants were originated from Asia, 33.6% from Europe, 23.3% from North America, 9% from Africa, 3.5% from Latin America and Caribbean Islands and 2.6% from Oceania[10]. The internal and international migrations are generating both positive and negative effects, which exert an influence among the national, regional and global balance and security. Hence, these are modifying the structure of population within an internal geographical area or within destination countries, create better labour, are favourable for a more properly repartition of incomes within the individuals and unequal economic areas.

Furthermore, migrations could harm the communications activity, the transfer of technologies and intellectual resources, triggering everywhere the innovation needed for the economic activities, have a strong connection with the population health, can affect social stability. By this facts, the internal and international migration could create the premises for the renaissance and manifestation of some tensions and local, national, or even regional conflicts. The latter, in their turn, could negatively affect the local, national, regional and international stability and security.

Also, *the others demographical phenomena*[11] – the high-rate growth of population within developing countries, the lowing and ageing of population among the developed countries, the urbanism – have their contribution to the economic, political, social etc. instability and insecurity.

The nowadays financial-economic crisis, by the negative effects generated, can affect the national, regional and international stability and security. This is triggering negative effects within financial, commercial and economic sectors, effects which are a source for tensions and conflicts within the all mentioned levels – national, regional and international.

The competition for resources[12] can be a cause of conflictuality at a local, national, regional and international level. In one way and on a good measure, the last war from Iraq and the actual armed conflict from Afghanistan are the products of competition for energy resources.

3. Tendencies and prospects in future evolution of conflictuality

3.1. Challenges with an impact on conflictuality

The multipolar world is, besides any other thing, characterized by a high amount of instability, resulted from the threats of identities' equalization though a tough globalization, proliferation of nuclear weapons, and, moreover, by the increasing economic discrepancies between the rich and the poor countries. It is wise not to forget that globalisation is made on Anglo-Saxon cultural basics, which has effects on the identity and affirmation of each country[13].

The American culture of Mc Donald type has uniformly diffused all over the world. As a symbol of freedom and liberty, it is eroding fundamentals of the cultures in different countries, especially those from the East, having an influence among the youngsters.

On the other hand, *the economy* is becoming more and more globalised. The classical mechanisms and models are overpassed. Commercial borders do not exist anymore. In this context, globalization of trade, as it currently is, opens the way for an increased competition. The more countries are getting more industrialized and integrated in the global market, the more they are facing the effects of international competition.

State, non-state actors, *the international community, have to resist in front of clear and multiple challenges* which have a strong impact to conflictuality among all its plans – economic, political, social, military – and among all levels – local, national, regional and global. Nowadays, the economic development is based on oil. But this raw material, like other energy materials, is not undrainable, which brings into discussion not only the consumption issue, but also the protection of sources for the coming generations.

Therewith, *the long-term development is linked with resources*, and so with the competition for them. We refer to competition among countries which detain the source of raw materials, be they energy or human and have clear access to resources and countries or non-state actors which also want, in their turn, direct access to the resources they need.

Another challenge is represented by the *generalisation of the liberal system* as a common way of economic functioning. Furthermore, economic discrepancies which exist among states and regions of the world represent threatening factors to the stability and security among all levels and plans.

In their turn, the new stakes of *information control'* are a new challenge for the national, regional or international stability and security. Today, information, besides being a source of power, became a main source of richness, too. Its control is constituted in a source of conflictuality, because strong interests could come in opposition. An important role is detained by the extraordinary development of the IT and communication. Conflictuality will feed opposite interests not only for information, as a process of obtaining it, but as a technical support too.

The new forms of *conflictuality in the culture area* are facing the supremacy of the North American culture in the abundance of diffusion of knowledge and in the ways and norms of transmission of this knowledge.

Technological competition could generate in conflictuality. If we limit ourselves only to the Internet, as global network which links the databases, conflictuality results from the degree of security versus the freedom wanted by the network users.

Weakening of the states is another form of conflictuality, to which contribute the omnipresence of the non-governmental organisations on the international plan and the associative movement on a national plan. These organizations sometimes tend to substitute themselves to the democratic organs of taking decision.

International migration will continue to be a strong phenomenon. The movement of persons from the developing countries towards the developed countries will continue not only because the high-rate speed of growing population in the origin countries, but of ageing population in the developed countries. The negative effects of migration will contribute to accelerate the social, political, and especially economic conflictuality.

3.2. Tendencies in the evolution of conflictuality in the coming years

The analysis of the evolution of conflictuality around the globe in 2012 highlights the fact that this intricate and multidimensional phenomenon will continue to manifest itself even more vigorously in the coming years. Therefore, in November 2012, a series of significant events took place, such as:

• *the conflict between Palestinians and Israel* in the Gaza strip has become acute, as mutual bombardments of high intensity have lead to casualties and material damage on both sides;

• *confrontations between Turkey and Syria* on the grounds of frontier and air space violations;

• *in Syria, the armed conflict between the government and the opposition forces has intensified*; France has already recognized the opposition as the sole representative of the Syrian people[14];

• *in Europe, the social conflict has been amplified* as a result of the government austerity programs in many European states (Greece, the Czech Republic, Spain and Portugal for instance);

• *in Africa, the 2012 conflicts will continue to manifest themselves*, as they have not yet been resolved;

• *political separatism is active worldwide*[15].

Moreover, the frozen conflicts in Transnistria, South Ossetia and Nagorno-Karabakh have not been resolved and are still present in a latent state.

Based on the analysis of the causes and manifestation of conflictuality in the foregoing years, but also in 2012, estimations regarding the tendencies and outlooks of this phenomenon in the following period can be put forward. Thus, in the future, a series of conflict generating phenomena and processes will continue to exist and manifest themselves; of these, we can mention[16]:

• *the continuation of globalization*, with an explosion of material, immaterial and population flows of all kinds, the control of which will become a primary strategic stake. On the other hand, a form of protectionism (strict border control, import duty, national reindustrialization) will manifest itself as a reaction to globalization;

• *a relative decline of the American hyper-power*, which faces increasing competition and budget constraints, as well as the reorientation of American strategic priorities from Europe to Asia;

• *the transition towards a multipolar world*, in which the emergence of powers with local or global influence (Brazil, Russia, India, China, South Africa – BRICS) and the progressive shift of the centre of world power to Asia will lead to a redefining of the relation of forces and to new practices in international relations;

• *the chronic instability in Africa*, where it must be observed the attempt to encourage the increase of economy; on the other hand, Africa will always remain attractive for many states, because of its natural resources; there are also emergent powers, like China, who have considerably entered the African continent in looking for natural resources, especially energy resources, for its ever increasing economy[17];

• *a relative decline of Europe*, faced with its weak dynamism of its economic and demographic growth, but also with its reducing military budget, while numerous non-Occidental states increase their defence budgets;

• *the probable return of the states to the international game*, a consequence of decrepitude and relative weakening of the big organizations and alliances born after the Second World War; in corollary, future coalitions could prove more volatile, based on interests[18];

• *increase of non-state actors power*; multinational companies, political-military organisations, organisations of the regional and international civil society are becoming more powerful and will assume roles related to security and stability at national, regional and global level, roles played before by state actors;

• *mass-extinction weapon proliferation;* there is the possibility that terrorist organizations gain to such weapons and threatening with their usage;

• *conflictuality will manifest within all possible plans* (land, air, maritime, cosmic and virtual space); there is a possibility that the virtual space to be the place where conflictuality will face an increase comparing to the previous years.

In this complex and dynamical context, conflictuality on all the plans – social, economic, political, military and even more – and within all levels – local, national, regional and international – will increase.

Hereby, we will be witnesses the *emergence of diverse economic "wars"* not only among state and non-state actors, but also among the two categories. There is a plenty of resources with strategic value like hydrocarbons, raw materials, water, which are vital for the survival of the states,

but only a few states own or have access to these resources. In this manner, at the whole world level, have appeared and developed a real competition for resources within the states which detain such resources and are trying to maintain their control on this resources, on the one hand, and on the other hand, the actors which do not have access to them yet. Another competition will be for the maintaining of the markets and the conquering of new ones.

On the internal plan, we will assist to *the increasing frequency and intensity of the social conflicts* (meetings and marshes, strikes and revolts) as a result of the economic crisis, on the one side, and of the programs of austerity of the governs, on the other side.

Military conflicts will continue to exist and to be manifested with different intensities within diverse regions of the world. The armed conflict between Israel and Palestinian people will continue to manifest itself, and some frozen conflicts could "recrudesce" from various reasons. In Iraq, the fight between the insurgents and the security forces and the government army will continue, while the armed conflict from Afghanistan will be another expression of conflictuality generated by the competition for resources and areas of influence. In Syria, there is a possibility that the hostilities between the forces loyal to the government and the forces of opposition to continue for some time, and in Turkey, the Kurds to take action to obtain the right to self-determination. There is possible that insurgency, the war among population, the urban war to obtain new dimensions and actors. The asymmetry will be critical for waging the battles not only by the national armies and international coalitions, but also by the insurgent forces, guerrilla or other forms of para-military organizations.

Furthermore, *political conflicts alimented by the political separatism* will continue to manifest all over the world. In the meantime, revolts against the ruling governments will continue in some countries, until these will be the result of some free, democratic elections.

The activity of terrorist organizations and organized crime will intensify, as a result of the democratization of some societies, of some effects of globalization and mutations within the strategic interests of great powers and of emergent powers.

On the economic plan, *intensification of globalization* will continue, and the generated nega-tive effects will continue to be a cause of *interstate or even intrastate conflictuality. Competition for resources* will be accentuated, in its turn, leading to the increase of interstate conflictuality. It is possible that some global non-state actors, for example, multinational companies, to constitute themselves parts of this conflictuality as a result of following their strategic economic interests.

Conclusions

The world is in a continuous change. State and non-state actors which will not be able to adapt to the new conditions and will not be able to innovate, will suffer from the negative effects generated by phenomena with an impact to conflictuality.

Conflictuality, as a state, relation and phenomenon will continue to exist and manifest at national, regional and global level, but also in the economic, political, military, cultural and informational plan.

Causes and sources of conflictuality will increase in the following years, inclusively those of military nature. We mention that the main source of the next conflictuality on the whole levels and whole plans will be competition for resources.

Conflictuality, under any form, nature and level of manifestation, represents a clear source for instability and local, national, regional and international insecurity.

The perfect and universal solution for diminishing conflictuality does not exist. Notwithstanding, if it does not adopt a destructive and violent form of manifestation, conflictuality could generate progress.

Putting together the efforts of all state and non-state actors to find some peaceful solutions, by negotiation and mediation of conflicts, regardless of their nature and level of manifestation looks to be the most efficient way to get to satisfying objects for the involved ones, but also for the international community.

NOTES:

This article was translated from Romanian by Radu PĂTRAȘCU, intern with Centre for Defence and Security Strategic Studies.

1 *2004: Conflictualité*, IHEDN Région Centre AR7, Institut des Hautes Etudes de Défense Nationale, http://

www.ihedn-region.com/2004-conflictualite.html, p. 1.

2 *Ibidem*, p. 1.

3 *Ibidem*, p. 1.

4 In this article, by *actor* we mean a person, a human group, a human community, a state, an organization (local, national, regional, international).

5 IHEDN, *op.cit.*, p. 2.

6 *Manifestaţiile antiausteritate au degenerat: Protestatarii greci se bat cu jandarmii*, 7 noiembrie 2012, http://www.adevarul.ro/international/Protestatarii_greci_se_bat_cu_jandarmii_0_806319626.html

7 See: Petre DUŢU, *Fenomene diverse cu impact asupra stabilităţii şi securităţii locale, regionale şi internaţionale*, Editura Universităţii Naţionale de Apărare "Carol I", Bucureşti, 2012.

8 See: Petre DUŢU, *Globalizare versus separatism politic*, Editura Universităţii Naţionale de Apărare "Carol I", Bucureşti, 2010, pp. 9-65.

9 Cf. Agence Française de Développement, *Cadre d'intervention tranversal (CIT): Migrations internes et internationales 2010-2013*, http://www.afd.fr/jahia/webdav/site/afd/shared/PORTAILS/SECTEURS/CIT-Migrations .pdf, p. 8.

10 *Idem*, p. 8.

11 See: Petre DUŢU, *op. cit.*, 2012, pp. 34-39.

12 Petre DUŢU, "Competition for resources and areas of influence among the actors of global scene – factor of regional and international instability and insecurity", in *Strategies XXI* international scientific Conference, with theme "The Complex and Dynamic Nature of the Security Environment", 22-23 November 2012, "Carol I" National Defence University Publishinghouse, Bucharest, 2012.

13 IHEDN, *op.cit.*, pp. 3-7.

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18 Jean-François FIORINA, „Géopolitique des nouvelles conflictualités" – Entretien avec Olivier Kempf, în Comprendre Les Enjeux Stratégiques, Les entretiens géopolitiques mensuels du directeur, nº11, janvier-février 2012, Ecole de Management, Grenoble, http://notes-geopolitiques.com/wp-content/

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GLOBALIZATION, REGIONALIZATION, NATIONAL SECURITY

Alexandra SARCINSCHI, PhD*
Cristian BĂHNĂREANU, PhD**

Regionalization is one of the most important features of contemporary world. It has not only a geographical dimension, but many others that are interconnected: economic, political, security etc. In addition, regionalization coexists with globalization – a fact that might seem impossible if we take into consideration only the common sense characteristics of these two processes. Moreover, regionalization exists both at national and international level. In the last case, it is closely related to regionalism, but not always in a harmonious relationship. Therefore, the regionalization process proves itself complex and multifaceted and that is why we need a detailed theoretical analysis before we shall study its implications for national security.

Keywords: globalization; regionalization; regionalism; regions; national security.

1. Preliminary considerations

According to experts, regionalization, as a process of regions' development, and regionalism, as a trend to create regional institutions and agreements, both find expression in economy and security. Some of the factors that explain the trends toward economic regionalism or new regionalism ('80-'90) are the effects of the Cold War and its ending, the shift of the world economic balance, the uneven effects of globalization, and the transition to outward oriented economic policies in many parts of the developing world.[1]

The emergence of new regions requires debates and analysis on the implications of this process on security at all levels and in each of its domains due to the fact that the contemporary world is already facing a series of problems caused by 21st century phenomena and processes that can not be separated from each other. First, there are simultaneously some defining trends that, at first appearance, seem completely opposed: fragmentation – integration, localization – internationalization, protectionism – liberalization, centralization – decentralization. Secondly, in the security environment are some phenomenon and processes that coexists and are interrelated: globalization, demographic pressures, climate changes, achieving energy security, economic and financial crisis, social gaps, etc.

* Alexandra SARCINSCHI, PhD is Senior Researcher at the Centre for Defence and Security Strategic Studies from "Carol I" National Defence University, Bucharest, Romania. E-mail: sarcinschi.alexandra@unap.ro

** Cristian BĂHNĂREANU, PhD is Researcher at the Centre for Defence and Security Strategic Studies from "Carol I" National Defence University, Bucharest, Romania. E-mail: bahnareanu.cristian@unap.ro

Thus, regionalization poses challenges to national security and beyond.

In the following, we will analyze the concepts of regionalization and region in close correlation with national and international security.[2]

2. Theoretical landmarks: regionalization, regionalism, region

Alex Warleigh–Lack, professor at Brunel University, defines regionalization as *an explicit, but not necessarily formally institutionalized, process of adapting participant states norms, policy/making processes, policy styles, policy content, political opportunity structures, economies and identity (potentially at both elite and popular levels) to both align with and shape a new collective set of priorities, norms and interests at regional level, which may itself then evolve, dissolve or reach stasis*[3]. This definition underlines the idea of process not result of a process because regionalization is a dynamic term that involves fluidity and movement and a multilevel analysis. In this regard, there are identified five types of regionalization:

1. Structured regionalization: a complex entity that uses informal policies despite deep institutionalization; there is no hegemon; the power in many policy areas is delegated to a new center (EU, African Union);

2. Dominance regionalization: this is an alternative to global regime that is established by a regional/global hegemon in order to counter threats to its power from other regionalization processes or states; it is focused on a narrow range of issues, with emphasis on trade (NAFTA);

3. Security regionalization: it focuses on military or socio-economic security issues; it may be geographically contiguous or transregional in membership (NATO, Euro-Mediterranean Partnership);

4. Network regionalization: a regional identity-driven response to globalization; it may acquire a significant range of powers, but it relies primarily on non-institutionalized or intergovernmental working methods (ASEAN, Mercosur);

5. Conjoined regionalization: strategic partnership of one regionalization process either with another such process or with an important state outside the region with the purpose of economic or foreign policy advantage (APEC).[4]

The above classification shows that regionalization might be considered any case of forming a border region that implies a link between politics and economics and is caused by security issues (not necessarily military security). Regionalization is the process by which it is established a capacity for autonomous action that aims to promote a sub- or supra-national territory by mobilizing its economic mechanism and, if appropriate, its local or regional solidarity and develop its potential.[5] Given the fact that political realities differ from state to state, even within the EU, we can suggest a new typology of regionalization according to the legal status[6]:

1. Administrative regionalization: involves state's delegation of authority to the subordinated government structures or to the local bodies, whose actions are controlled by state, although they have some legal autonomy; by the functions and duties held, they are intended to promote economic and regional development and they are based on mobilization of local authorities and economic organizations (for instance, in Luxembourg, the government has established four regions that were not endowed with their own authority because of the small size of the state);

2. Regionalization by local community: it is achieved based on cooperation between local communities that have eextensive powers and a wide field of action; it is different from the administrative regionalization in that it is carried out through decentralized institutions acting in an inherent framework of power (e.g. Denmark, Finland, Ireland, Hungary);

3. Regional decentralization: it refers to the formation of a new local authority – the region – at a higher level than the one of the existing local authorities; it gains specific institutional expression and forms a new category of local authorities, which, while they are legally the same as existing local authorities, are distinguished by a broad constituency and their skills in economic development; constitutional order is part of the unitary state, even if it modifies the territorial organization (for instance, in France are 26 regions, except overseas, that enjoy unfettered principle of territorial communities);

4. Political regionalization or regional autonomy (institutional regionalism): it is characterized by giving legislative power to a regional assembly, which has extensive powers whose content is

No.	Factors of differentiation	Classical regionalism	New regionalism
1	Scope	One-dimensional: economy or security	Multidimensional: economy, society, environment, security, culture, etc.
2	Agent	Nation state	Regional governments, non-state actors, local authorities, civil society, business environment
3	Motivation	Concrete assessment of power, security and nation states interests	Creating the conditions for economic and political liberalization; consolidating regional stability and security; developing multilateral relations
4	Structure	Clearly affiliation to a political-military bloc as a result of bipolarity	Possible participation of an actor in several different groups
5	Relation with globalization	Dominated by bipolarism	Simultaneously both mutual support and the incongruence

Figure no. 1: Differences between classical regionalism and new regionalism [14]

defined and guaranteed by the Constitution or a constitutional text, and to exercise various competences there is set up an Executive with regional government features; it affects state's structure and modifies its Constitution; differs from the federal state in that the regions are not states and the state remain, in principle, an unitary one (e.g. Spain, Italy, Belgium);

5. Regionalization by federal authorities: the federal state is not against nation-state, but in many cases a model for national integration; the federal states emerge from a union of states that, in fact, are political entities with regional and ethnical particularities (e.g. Germany).

It is noted that regionalization involves a top-down approach, meaning that the state recognizes a regional identity as a homogeneous area that is able to participate in managing their business through the mechanisms established by the state. Instead, *regionalism* is a more complex phenomenon, involving a bottom-up approach and the existence of a regional consciousness and identity.

Regionalism has gained momentum in the '90s, although some authors identify it in the continental empires until the Napoleonic wars[7] and in the protectionism of the '30s[8], when literature, art and architecture were correlated with regional identity and consciousness. The term entered the vocabulary of International Relations only after the Second World War.

After the Cold War, the term *new regionalism* was brought into question involving a number of features such as multidimensionality, complexity, fluidity, and a variety of state actors and non-

state that often relate at an informal level.[9] Raimo Väyrynen sets the emergence of new regionalism in the traditional approaches on the state-centered regional system. This theoretical framework is facing the military and political concentration of power at certain international actors and the emergence of transnational networks built upon some economic and cultural identities.[10] Thus, in contrast to the Cold War regionalism, the new regionalism brings into attention the security dimension. Prior to the fall of the Berlin Wall, bipolarity and the arms race created contextual effects that contributed to the birth and development of a semi global system[11] in which the security systems existed locally, but were overshadowed by the control of the influential powers in these areas. The end of the Cold War reduced the semi global system effects on regional dynamics in security area and on the national decision making process. Thus, the disappearance of the bipolar divide led to the restoration of regional sovereignty and the development of several regional powers whose role is to provide order and stability in the region.[12]

Thus, the new regionalism is a multidimensional form of integration, which includes economic, political, social and cultural aspects and advances towards development of new regional free trade regimes or security alliances.[13] The specialized studies argue that the new regionalism differs from the previous one by scope, agent, motivation, structure and relation with globalization:

The new regionalism emphasizes the importance of development cooperation, which could be the surest way to reduce conflictuality,

Conceived space

SYMBOLIC SHAPE

Attaching of particular symbols
to the region to facilitate the
formation of regional images and
consciousness

Perceived space

INSTITUTIONAL SHAPE

Establishment of a "sphere" of
formal organizations and
informal, institutionalized
conventions customs, and
routines

TERRITORIAL SHAPE

Localization of social practices,
reach of power relations that give
the region its boundaries

Social space

ESTABLISHED ROLE

Maintenance and continued
reproduction of the region as
social entity

REGIONAL IDENTITY *Lived space, spiritual space*

Figure no. 2: Stages and shapes in formation of a region[19]

promote peace and further promoting development cooperation. Critics of this approach believe that the expectations of new regionalism are unrealistic and ignore the internal and external dynamics of each forming region. There are also opinions that there is no direct link between the new regionalism and peace, the former supports a process of regionalization consisting of regionness levels, and at each of these levels the interaction between peace and regionalism changes.[15]

Regionalism involves the existence of a regional consciousness, a regional identity and regional integration. From this approach, the theory identifies three main stages of the process of formation of a region:

- Emergence of a regional consciousness;
- Development of regional movements or regionalist actions;
- Development of regional institutions or regional powers inside federal states.[16]

These stages illustrate that regionalism represents the awareness of common interests by the population living in a region, the existence of differences between it and other neighboring regions and the community's desire to be responsible for solving specific problems that she believes cannot be resolved by the state. Experts argue that

regionalism arises from the awareness of regional imbalances, especially in the economic and social areas. Thus, in the first stage are identified those communities within states that have a regional consciousness, then there are set problems they can address directly, and the last step is the creation of regional and local administrative institutions.[17]

Other regionalism theorists identify four stages in the formation of a region, including one of establishing its territorial form.[18]

The first stage concerns the development of social practices through which the region receives its boundaries and can be identified as a separate unit in the spatial structure of society. Space can be clearly (administrative region) or vague delineated as we talk of the idea of a region and on the various elements of the structure of expectations (nature, culture, stereotypes and so on). These boundaries are essential for the emergence and development of regional consciousness. During the creation of a symbolic, conceptual form of the region, there will be established certain structures of the territorial symbolism such as name of the region. Emergence of symbolic significance of the region depends on the relationship between institutional and individual practices. Conceptual and symbolic form of a region confirms a system of differentiating

**REGIONAL
IDENTITY**

Regional Consciousness (Regional Identity of the Inhabitants)		Identity of the Region	
Identification with the Regional Community Feeling of Togetherness	**The Role of the Region in the Hierarchy of Regional Consciousness** Identification with a Specific Region	**Images of the Region**	**Scientific Classifications**
Ideal The "picture" of identification communicated by and represented in the institutional practices of the region and the society in question	**Factual** Actual relationship between individuals, which are connected with the Region in some manner	**"Insider's" Image**	**"Outsider's" Image**

Figure no. 3: The dimensions of regional identity[21]

that region from other and provides a reference framework in which expectations structures are built and reproduced.

The third stage takes place, in fact, concomitant with the other two, because the emergence of institutions is related to the establishment of a name and other territories symbols of the region. Expansion and development of institutions are instead related to the conservation of the region's image and, thus, they are crucial for the reproduction of regional consciousness. Institutions that develop at this stage are not only formal but also informal, such as the local practices in the political, economic or administrative fields.

The fourth step in the continuation of the institutionalization process after the status of the region was established in the spatial structure of society and social consciousness. The region receives an identity that includes not only material resources (nature, territory, culture, economic system, etc.), but also a mental dimension (images that together constitute the foundation of the structure of expectations).[20] It is about regional identity that connects both the objective size of the region, as well as the subjective one comprising individual and collective representations (psychosocial representations). The regional identity of the inhabitants, the regional consciousness, comprises, in turn, two main elements: identification with the group or regional community, which refers to the inhabitants of the region who have a founded opinion based on expectations or accurate data on

their group to which they belong, and the role of region in the regional consciousness hierarchy, i.e. identifying with a particular region. Image of a region identity involves subjective images, which are part of regional consciousness, and objective images, which are scientific classification of the physical, cultural, social, etc. environment. The subjective images belong both to the group components (inhabitants) and to those from outside the region. These dimensions of regional identity can be illustrated as seen in Figure no. 3.

Currently, regionalism is linked to globalization and the changing nature of global policies. From the above it can be concluded that regionalism, although it is characterized by involvement of most world governments, assumes a wide variety of non-state actors. This determines the existence of various forms of formal and informal regional government, as well as regional networks in various areas of social life, hence resulting two essential features of contemporary regionalism: pluralism and multidimensionality.

Given the complexity of the security environment, we might argue that both regionalization and regionalism affect national security in both directions: positive and negative.

**3. Regionalization, regionalism
and national security**

The post Cold War period is marked by the growing interest on how regionalism affects the

structures and processes of international security. Although some analysts suggest that regional dynamics is less important than the global dynamics, other experts say that regional analysis is particularly important for understanding contemporary security issues. There are opinions on the fact that regionalism is the framework for studying the increasingly role that regional arrangements play in the security sphere.[22]

Formation of regions, whether it is the result of a top-down (regionalization) or bottom-up (regionalism), involves a series of discussions on the implications it has on the security from the individual to the groups of states. This is because the modern world is facing a number of problems arising from the 21st century phenomena and processes that are felt at all levels of its organization. It is about globalization, demographic change and climate change.[23]

Globalization, even if it is the triggering factor of scientific and technological progress, tests the capacity of regions and countries to adapt to structural changes and manage the social consequences of change. Globalization does not necessarily bring integration and stability. In fact, on short and medium term, globalization seems to contribute to the generation of simultaneous processes that create tensions that, in turn, shape the security environment:

- Fragmentation – integration;
- Localization – internationalization;
- Protectionism – liberalization;
- Centralization – decentralization.[24]

Globalization increases the rate in which the integration develops, but at the same time, provides a favorable environment to the trends of disintegration or fragmentation. Thus, globalization creates a new context for formal or informal exercise of national power. Regional and international institutions, non-state actors (including transnational corporations and NGOs) and even local governments are using some tools of globalization to reduce the nation-state monopoly on power. A part of power is transferred to the international stage, another part to the local level, and another part is used by NGOs and corporations to influence national policies. Experts[25] note that in Europe, Latin America and Asia, regional economic agreements are dominant expressions of relations between states, giving "geopolitical" personality to the structures at that level. Globalization also leads

to the emergence of new international regulations and expands the role and status of organizations such as the United Nations and the World Trade Organization. Therefore, new tools are created for the settlement of economic, political or security disputes.

However, outside the Transatlantic community, such regional security arrangements grow more slowly and are prone to remain informal and too flexible to have a strong normative character.

Overall, globalization leads to a new international structure, divided between those countries that are integrated into the global economy and those that either are left behind or oppose international rules. To the optimistics, this new international system represents the hope for the global expansion of democracy, market economy and international multilateral cooperation, while pessimists see it as an end brought by economic crises and new geopolitical and sociocultural polarizing forces. Such a global economic collapse could trigger extension extreme nationalism, deepened protectionism, regional conflicts and ultimately global chaos. More moderate scenario is that the world will remain as it is now: divided between rich North and the poor South.

Demographic changes in world population are another important issue that affects security at all levels of its development. Most vulnerable regions are in the proximity of other poorer areas because the first are strongly affected by migration pressures. However, while population movement across borders in search of better opportunities is a feature of both the less developed and the least developed regions, international migration patterns are becoming increasingly complex. A large number of the least developed regions are also regions of origin and destination for migrants due to favorable conditions for temporary employment, thereby increasing its mobility.[26] Unfortunately, statistics on migration provides data on countries rather than on regions, but we can say that the security challenges in the country are similar to those in the regions. They are rooted especially in ethnic and religious differences between the population of destination country/region and immigrants, but also in the low living standards of the latter, caused by difficult jobs access in that country/region. In addition, the unfavorable image that citizens of the destination country/region have about new arrivals, who "invade" and

"threat" their communities, is often a source of tension. However, we must not underestimate the role of immigrants as security factors, especially in the economic field. There are not few European countries/regions that experienced a substantial increase in gross domestic product and, therefore, a significant increase in the living standards of their citizens, following legal or illegal employment of foreigners in various sectors of the economy[27].

Another security challenge belonging to the demographic area consists of internally displaced persons that change the demographic profile of a country/region. Internally displaced persons (IDPs) are, according to the UN, *those persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border*[28]. The main concern related to IDPs is that the inadequate response to the situations involving massive displacement of people can be a catalyst for regional instability and, in some cases, can cause some resentment at the individual level, the affected persons becoming vulnerable to international extremism.

The third phenomenon that significantly influences not only the current security environment, but also the future of the entire planet is the *climate change*. Global average temperature has increased in the last century by 0.74°C, and experts say that it is the strong upward trend in world history that will continue and even accelerate. The most optimistic estimates indicate that Earth might warm with 3°C during the 21st century, mainly due to human factor represented by greenhouse gases, of which the most important is carbon dioxide. They retain heat in the atmosphere, resulting in the increase in overall global temperatures that are likely to divert normal weather patterns.

In the hierarchy of the past 150 years, the warmest were the last 11, warming already affecting all continents and oceans.[29] The impact of climate change varies by region, the most significant effects being ascertain in the Arctic area, in the deltas of Asia, in the developing countries from small islands and sub-Saharan Africa. Climate change will constrain water resources, already stretched by demand from agriculture, industry

and urban environment. Rising temperatures will reduce the layers of snow on mountain peaks and will increase evaporation, thus altering the seasonal availability of water. Overall, developing countries are particularly vulnerable to these risks.

In this area, the regional political organization facilitates the response to such challenges by decreasing reaction time and deploying resources more effectively. In addition to these security challenges, we might highlight another two: financial and economic crisis and energy issues.

Global financial and economic crisis in 2008 ended a period of over 20 years in which the new architecture of the system of IR, the globalization and liberalization of markets and the financial system had positive effects on the economy in general and the population's standard of living in particular. Thus, global trade expanded as the business became more open to risk; markets have developed as movement of capital, technology and information has been growing rapidly and people had easier access and almost unlimited to foreign currency and credit. Developed economies were among the first hited by the economic and financial crisis, most falling into recession in the second half of 2008. These weaknesses have spread rapidly by the international trade and financial channels to developing countries and economies in transition, leading to a global decrease.[30] There were recorded paradoxical situations where the main countries benefiting from EU cohesion policy – Greece, Spain, Ireland and Portugal[31] – have violently faced sovereign debt crisis. It is clear that these issues affect regional entities as the state still is the main object of reference in IR and regions are not completely independent of it.

Regarding energy issues at the beginning of the 21st Century, energy security is endangered by six major threats: the finite nature of oil and gas resources; the global climate change; the disruption of supply flows; the higher energy costs to developing countries; the use of energy revenues to support undemocratic regimes; the use of energy as a tool of pressure[32]. Thus, we believe that the lack of appropriate measures to achieve energy security can gradually lead to uncertainty regarding the regular provision and supply of oil for the economic activities, with the most disastrous consequences, which further strengthens the validity of the statement: "it is not energy that is expensive, but the lack of energy".

In this game, state remains the main actor, but, as with the economic and financial crisis, problems in achieving energy security are experienced also at regional level.

From the above, we can summarize the two main trends.

The first one referrs to the socio-economic challenges: some regions seem to benefit from globalization, but they confront the risk of population decline, while others are vulnerable to both challenges. The best example is the European Union, where the regions located in Central France, Eastern Germany, Sweden and Finland successfully face the challenges of the current economic and financial crisis, while most regions of South-Eastern Europe are vulnerable to globalization and related phenomena.

The second trend emphasizes that climate change and energy issues will adversely affect all regions of the world. In Europe, the Mediterranean regions appear to be most vulnerable to current climate change, while the North and West are now less affected. In terms of energy, there is a dependence following national patterns without a clear demarcation between regions; the future depends on EU capacity to develop a coherent common policy that ensures the internal market and security of supply of resources.[33]

Conclusions

At the beginning of the 21st century, the region enshrines as an important actor in the economic, political, social and cultural processes. However, the formation of regions and regionalization appear to be a complex and nuanced process. Its coexistence with globalization, as well as a number of concepts whose definition is still ambiguous (region, regionalism, conscience and regional identity, regional integration), determine the need for a thorough analysis of its influence on all areas of social life, especially in security field.

The formation of regions, whether we are talking about the result of a top-down process (regionalization) or a bottom-up one (regionalism), generates benefic implications in the economic and social areas, but also some less auspicious implications on security. A number of phenomena and processes that are specific to the current international security environment – globalization, demographic change, climate change, energy

security, economic and financial crisis, social polarization – are major challenges that can threaten security in all areas and at all levels, from the individual to groups of states. Thus, some regions are favored by globalization and disadvantaged by the risk of population decline; others are vulnerable to both challenges, while all regions are affected to varying degrees by climate change and energy issues.

Regions should join in what we might call "strategic areas" in order to meet the growing effects of these challenges and achieve greater integration, convergence, competitiveness and national security and not only. Strengthening cross-border cooperation should aim primarily at reducing or even eliminating the barrier effect between national frontiers, as the development of a synergy to face common problems with common solutions.

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STRATEGIC TENDENCIES OF SOME MAJOR INTERNATIONAL STATE ACTORS IN 2012

Mihai-Ştefan DINU, PhD*

In comparison with the year 2011, 2012 started significantly regarding strategic tendencies of major international state actors, by the Washington administration announcement which declared the US intention to shift its military effort towards Asia-Pacific region, in order to further maintain its global strategic superiority. This intention was based on the perception of the increasing Chinese military capabilities in the region, and of economic ones at global level. In this article we also emphasize the fact that Europe will not be left alone following the US strategic shift towards Pacific, but will continue through the European states actions to develop co-operation relations with the US in order to consolidate and even extend its influence in Africa.

Keywords: strategic development; trends; military presence; France; China; SUA; military force.

Introduction

Dynamics of state actors, especially of great powers on the international scene were characterized particularly after the 2008-2010 period of financial crisis, by an increased level of complexity, on the background of the co-operation relations, developed in order to effectively cope with the new challenges emerged in the recent security environment. In this regard, we consider that it must noted the fact that the wave of popular revolts from North Africa and Middle East (also known as Arab Spring), although, apparently started in the name of common human values as person dignity, efficient government, and democratic values at large, proved the existence of divergent economic and social dynamic. In this sensitive context to which is added the relative recent historic memory of the European colonial powers such as France and the UK and the existence over the last five decades of authoritarian political regimes perceived as relying on repressive forces, gaining political sympathy by Islamist jihadist movements was relatively simple.

Remaining in the same region of Middle East and North Africa, we must point the ongoing tensions over the existence of Iranian nuclear program, tensions that continue to polarize the great powers group: on the one hand, the West (USA, Germany, France, UK) and on the other hand, Russia and China, that continue to foster cooperative relations (with emphasis on the military) bilaterally, but

* Mihai-Ştefan DINU, PhD in Military Sciences, is scientific researcher at the Centre for Defence and Security Strategic Studies (CDSSS) from "Carol I" National Defence University, Bucharest, Romania. E-mail: dinu.stefan@unap.ro

also in the organizational framework of the Shanghai Cooperation Organization and economic framework of BRICS.

Also, regarding China, we must note its emergence as a major player in the race for resources. Its energy needs are rising tensions in Asia-Pacific, already existing South China Sea neighbors' concerns[1] on the broadening of Chinese influence in the region on the background of large reserves of hydrocarbons under the sea floor being amplified by the of increased tensions China-Japan dispute on the Senkaku Islands, located in the East China Sea, about 120 nautical miles northeast of Taiwan, 200 nautical miles from Eastern China and 240 nautical miles Southwest of the Japanese island of Okinawa[2].

Thus, the positive signals sent by the Russia and China cooperation – two of the greatest nuclear powers in the region – are complemented by sensitive issues involving China's dispute with Japan, a major global economic power which benefits from close military cooperation with US.

1. US and the rebalancing of power in Pacific

The already twisted regional context is additionally inflamed by the belligerent North Korean declarations on the background of imposed sanctions by the international community, following its nuclear experiments addition. Thus, the situation in Asia-Pacific gives US enough reasons to re-balance strategic situation in the region. This is confirmed by the US strategic documents that put emphasis on switching US military effort to the Asia-Pacific region.

According to the Defense Strategic Guidance[3], the rising of China as a regional power in East Asia has the potential to directly affect the US economy and security, especially due to growing China's military power, whose strategic intentions yet remain unclear and may cause tensions both regionally and internationally.

To these programmatic issues cited from US defense documents, we must ad the military prestige ones, referring to China's military capabilities. Those issues could have been identified in 2011, in the beginning of Libya war, China proved the advance of its military capabilities, as was the case with the withdrawing of Chinese citizens from the conflict area, using expeditionary operational capability using an IL-76 aircraft. The IL-76 route,

with the starting point at Diwopu International Airport in Urumqi (Northwest of China) and destination point to Sabha (central-eastern part of Libya), an estimated distance between 9500-10500 km[4], was possible by refueling once in its way to Libya and two times returning to China.

Moreover, the extraction of Chinese citizens from Libya by air was accompanied by another premiere, in maritime sector, when Xuzhou missile frigate transited the Suez Canal from the Gulf of Aden (where was assigned to conduct piracy missions) to Tripoli, (Libya), covering a distance of more than 4500 km with about 2/3 of the supplied[5] fuel. Besides demonstrating that the authorities in Beijing are concerned about the fate of its overseas citizens threatened by security crisis, China managed to gain political and military prestige, especially since now Chinese naval forces dispose of an aircraft carrier, fact that may worry neighboring countries like Japan regarding China's shipbuilding capacity, and therefore rising more concerns.

In this context, the US' intention to move its strategic efforts to Asia-Pacific is more than justified, especially since the China's neighboring countries[6] in the South China Sea have expressed their concerns about the expanding Chinese influence in the region on the background of significant hydrocarbons reserves under the sea floor.

Regarding US, we must also consider another military aspect, namely the 2014 troop's withdrawal from Afghanistan. Withdrawal of coalition and NATO forces in Afghanistan could lead to region destabilization due to the permeability of the Pakistan border, Islamist elements in both countries could benefit and attract those similar elements from the neighboring Central Asia (especially Fergana Valley[7]). However, given the US military presence in the Indian Ocean and available expeditionary capabilities, any intervention in the region would be a fast one.

Switch of US military strategic effort towards Pacific subsidiary has a further implication, namely the increasing role of maritime component of US forces in future operations, since in both Iraq and Afghanistan operations land forces were the main actor. In this context, it is expected that 60% of naval forces to be moved in the future[8] towards Pacific.
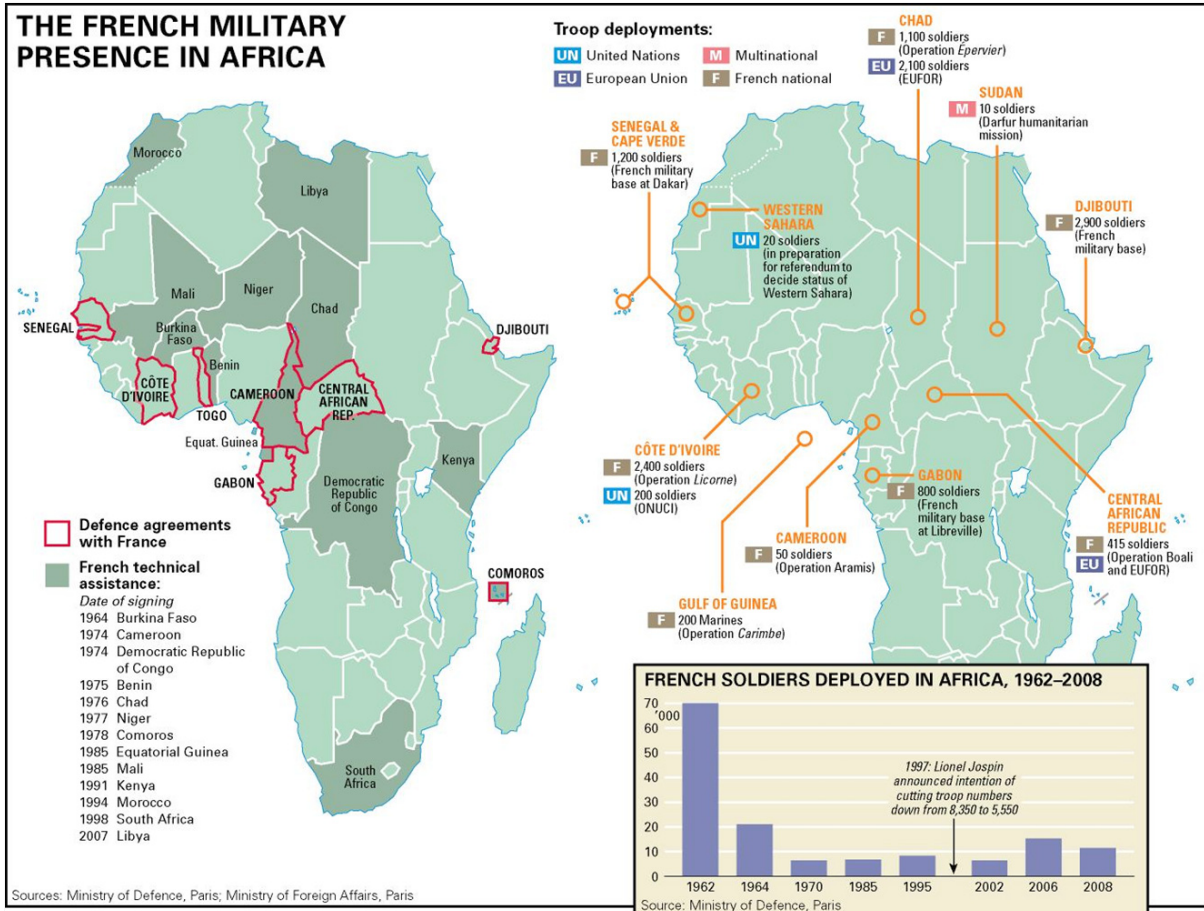
Figure nr. 1. French military forces in Africa

2. Mali conflict – reconfirmation of France traditional regional ambitions?

In assessing 2011 strategic tendencies, we stated that France is experiencing a trend of international affirmation through regional actions[9]. We were back then referring to the strategic objectives of France, as they emerge from the Security and Defense White Paper issued by the French government, and how France could fulfill them, arguing that Africa in general and North Africa region, in particular, is considered of great importance for France based on historical and cultural reasons (language, energy cooperation and economic), African continent already being a space of for state actors such as the US and China or non-state actors like Al Qaeda. Furthermore, military aspects are added to historical reasons, France beneficiating from a large number of forces stationed in several countries on the African continent (Figure. no. 1)

We also stated that the presence of the European Neighborhood Policy program in the region can be a guarantee of future stability and security in the region, allowing an extension of France's sphere of influence on the African continent, this way being able to recover the advance of US and China in an area considered a French traditional sphere of influence. We also stated our opinion about Mediterranean Union (which draft was presented in 2008 by the former French President Nicholas Sarkozy), viewing it as a tool that could be at hand for France. Yet, making this tool functional requires a constant financial effort supported by the EU, and France in particular, and in the context of the European crisis this effort is more than difficult to support.

The end of the year 2012 put France in the position to intervene in the Mali conflict at Mali's authority request. Recent conflict in Mali took place against the background of the third Tuareg rebellion, rebellion which could be consider rather an insurgency since the main actions of the rebels consist in kidnapping or killing members of the Malian army. The rebellion started in May 2006, as an attack on military barracks in the Kindle region,
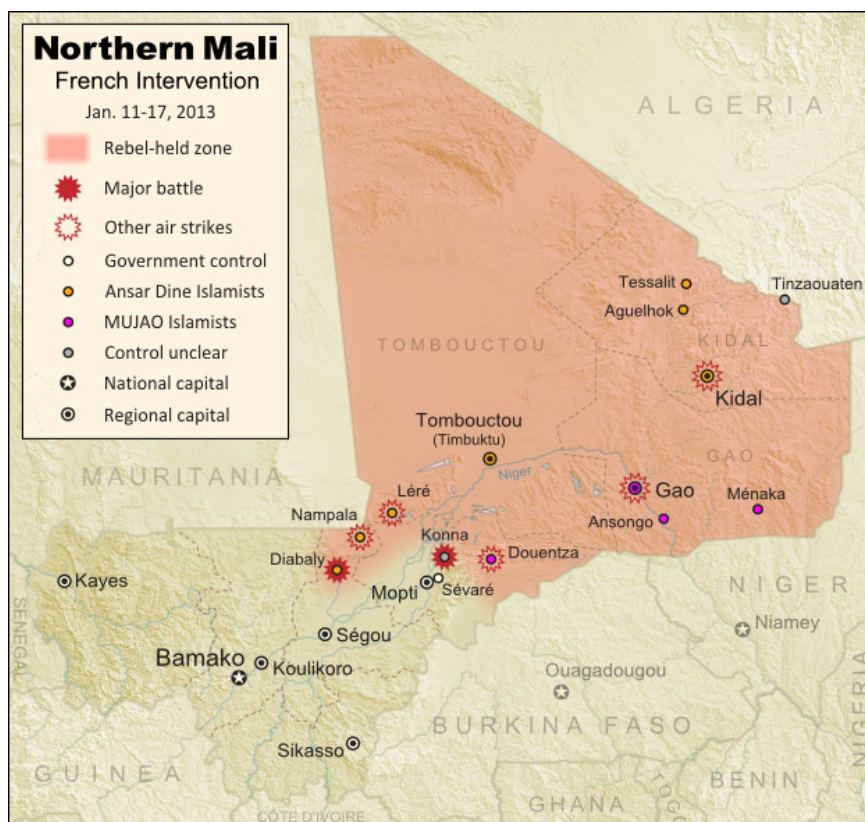
Figure nr. 2. First days of French intervention in Mali[10]

by an armed group of Tuareg which stolen weapons and afterwards demanded greater autonomy and development assistance.

By 2012, the conflict continued through successive lines of the government and rebels in March, since the President Amadou Toumani Touare is removed from power by a coup orchestrated by the rebels who have taken control and self titling the National Committee for the Restoration of Democracy and State. A period of instability followed, due to suspension of the Constitution, the time when the main cities in northern Mali are conquered by the rebels. Seizure of Douentza in April was considered by the rebels the end of entire offensive end. The rebels announced that they have achieved their objectives. In this respect declares the unilateral independence of Azawad (Northern part of Mali) from Mali.

In Mali, in order to restore stability, Mobido Sheikh Diarra was named interim Prime Minister. On August 20, a new government of national unity was formed, Mobido Diarra being appointed plenary as prime minister by the President.

Conflicts between the Northern rebels and Malian authorities reached a peak at the end of December, when the government appointed in summer was dismissed after what seemed to be a second coup. End of December found rebel forces advancing south, most of these forces being Islamist fighters. The rebels seize Konna city in early 2013, which led to the President Dioncounda Traore call to French, call urging military aid for stopping rebel advance towards South.

Thus, on January 11, Malian army starts a counter action with the support of the French military action called Operation Service (Figure no. 2)

French intervention improves stability condition, as rebel forces were removed from major cities (Figure no. 3), and the interim government announced presidential and legislative elections to be held in July 2013.

We believe that by successfully supporting the Malian forces, France manages to strengthen its influence in Africa, a confirmed influence by the demand for French military support by Malian officials.

Thus, France is expected to play an important role in Africa during 2013, further data could be, yet, obtained only after French government will issue recent its White Paper on Security and Defense, the established objectives could indicate us future strategic trends of France, in the sense that will
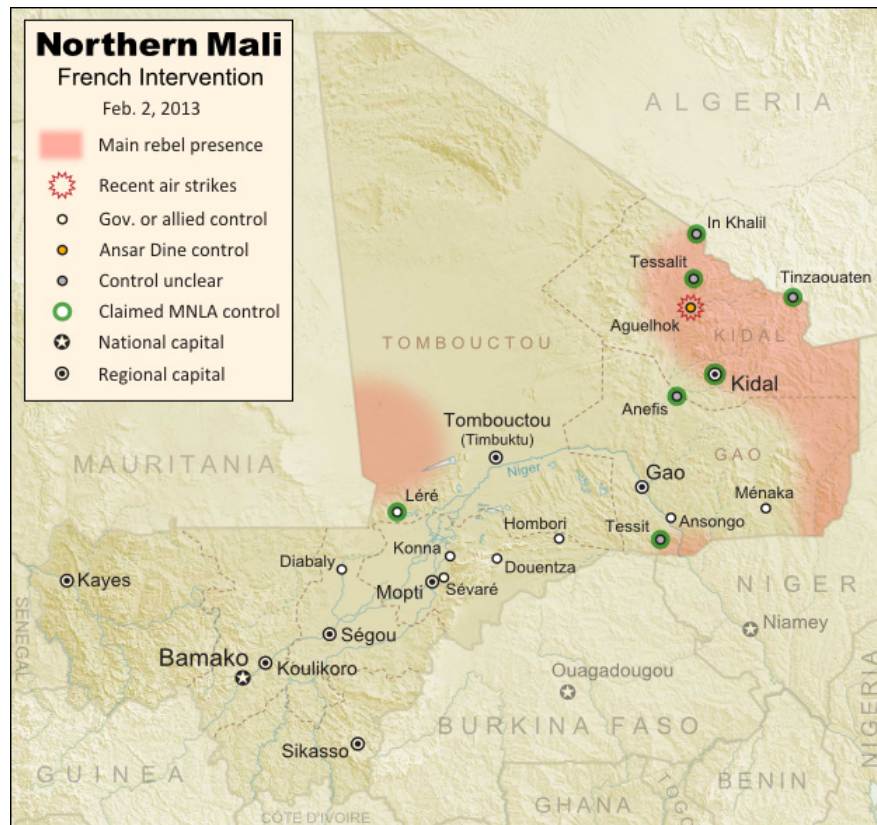
Figure nr. 3. Mali situation after three weeks from French intervention[11]

expand its sphere of influence and become a major player in the competition for African resources against US, China and maybe even Russia.

3. Sankaku/Diaoyu Islands– disputing reason for China and Japan in Eastern China Sea in the broadening context of energy resources competition

As mentioned in the introduction to this article, Senkaku archipelago is situated in the East China Sea, at slightly equal distances from China, Taiwan and Japan territories.

On the background of historic rivalry between China and Japan, the islands of the archipelago have been alleged in various historical periods by each of the two states.

After the end of World War II, the islands were administered by the US until 1972, the island being considered as part of the territory covered by the Security Treaty between Japan and the USA. China claimed territorial rights over the islands in 1970 after Japan initiated meetings with Taiwan talks on joint exploration and exploitation of energy resources around the Senkaku archipelago.

In fact, this is the time when Sino-Japanese dispute started openly over the archipelago, due to a 1968 geophysical assessment of the region led by the UN Commission for Asia and the Far East. Assessment report states that the continental shelf between Taiwan and Japan are major hydrocarbons reserves (Figure no. 4), the estimate amount of reserves rivaling to those from Middle East region.

In the year 2012 happened, perhaps, the tensest moments in the recent history of the dispute. It was the year when large protests were held in Hong Kong, US, China following Japan announcement that it would nationalize the islands.

Also, at military level, real force demonstrations were held by Chinese maritime forces neighboring archipelago waters controlled by Japan.

Despite the fact that these events have raised concerns of some countries in the region, we believe that the situation will not escalate, the two countries the actions performed by China or Japan over the Senkaku islands could be considered influencing psychological actions in the context of ongoing official level negotiations between the two countries.

Figure no. 4. Hydrocarbons reserves and the actual China and Japan maritime limits nearSenkaku/Diaoyu[12]

Conclusions

We consider that state actors and the regions mentioned this article will continue the tendency of expanding spheres of influence, using for this purpose all means necessary to attain their objectives, from diplomatic talks to military support in case of conflict until the demonstrations of force power by military capabilities.

Concluding, our opinion is that year 2013 will be a year of strategic repositioning on the background of competition for energy resources, with no major trends towards open armed conflict between states being perceived as great powers or those claiming that position, although sensitive issues such as Iranian nuclear issue and unpredictable behavior of the North Korean authorities, in particular with regard to nuclear tests, could rise and turn at any point in regional tensions that would lead to open conflict followed by instability and insecurity.

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PERSPECTIVES OF THE EUROPEAN UNION – BETWEEN POLITICAL INTEGRATION AND DISINTEGRATION

Mirela ATANASIU, PhD*

In the past years, the European Union was marked by the first important economic-financial crisis, damaging peculiarly the eurozone. The lack of opportune and concerted solutions of the European leaders to bring to the escape from recession on the background of an already existent institutional crisis on the EU level triggered a social crisis determining the extension of euroscepticism and populism phenomena in some parts of Europe, awakening latent feelings of nationalism and secessionism in Europe. Following these emergent phenomena, it is obvious this European construction bearing so many hopes for the future suffers from credibility perspective as economic and political union. Therefore, voices were heard, some of the European officials warning the European Union can collapse because of the decisions taken behind the closed doors of national governments.

If a divided eurozone could mean the dismantling of single market and Schengen area, implicitly of the European Union as a whole, a trial of enhanced political integration can lead to the withdrawal from the European Union framework of some states as the United Kingdom of the Great Britain. We consider that whatever will be happening with the European Union will define the future of the entire world.

Keywords: integration; disintegration; EU; eurozone; crisis.

1. Democracy in the EU

The opinions are shared on how the democracy must function in the EU. When we refer to the respect of democracy in the national states framework, the problematic is simple: all states' citizens must respect the democratic values. But, when it comes to the respect of democratic values to the EU level, even the leaders of the integrated national states tend to interpret so that their state to benefit more than other states by certain democratic rights and to be excepted from certain democratic obligations. These types of situations are multiple. For example, the freedom of movement was seen as one of the greatest aspects of the EU, nevertheless there were situations when the European citizens from Romania and Bulgaria were forbidden the access in states as France. Almost 33,000 foreigners were expelled from France in 2011. The Romanian citizens represented a significant number of persons sent away from the French territory[1]. Also, it is well-known the "willingly" expulsion case of about 240 Romanian citizens of Roma ethnicity in August 2012[2]. Other similar situation took place in the United Kingdom, when in 2005 were imposed restrictions [3] on the labour market in order to protect the British jobs.

In this moment of crisis, it was proved once again that in limit-situation the measures of the

* Mirela ATANASIU, PhD in Military Sciences and Information, is expert with the Center for Defence and Security Strategic Studies from "Carol I" National Defence University, Bucharest, Romania. E-mail: atanasiu.mirela@unap.ro

Member States taken by their own were considered to be adequate solutions to approach and the national interests' fulfillment constituted the goal prevailing in front of common European interests. In this regard, it is eloquent the British government intention to limit the immigrants access to the social assistance and health systems' services. Moreover, the United Kingdom also consults with other European states in order to possibly limit the free movement into the European space, many EU member countries being preoccupied by marriages by interest and other abuses over the system. Therefore, the United Kingdom is involved in a wide legal dispute with the European Union because of the limitations asserted in granting the social assistance to the immigrants. Among the enumerated facts, the United Kingdom wants the reconfiguration of sovereignty prerogatives in the relation to the European Union. We consider the British worries over an invasion of Romanian workers after January 1, 2014 is ungrounded because the elimination of restrictions related to the access on the labour market from United Kingdom or other European Union Member State will not lead to the increase of Romanian workers number willing to emigrate for jobs in these states; it will, however determine the employers from the adoptive states to legalize the already emigrated workers being on the labour market who will benefit of equal rights and proper social protection as any other European citizens.

The year 2012 was an electoral year in Europe, with major changes, and this trend also maintains in 2013 on the already known background of prolonged economic crisis. It is seen in many European countries, member or non-member of EU[4]; the leftist parties undertake the political power. Under these circumstances, there are created the premises to build a totally different, social-democrat Europe, as reaction to the austerity measures promoted by the European rightists.

The Norwegian social-democrat Carl Tham declared in an article in the summer of 2012 "a political union can be created when the European people will have a strong feeling of belonging and solidarity ones to each other and this will be fulfilled when each of us will consider himself to be a part of the European people and will trust the political institutions"[5].

On the other side, Vaclav Klaus, the former Czech Republic President warned "going toward the creation of a federation of the European Union with own president and armed force represents the final phase of democracy and nation-state destruction"[6]. He also stated: "we entered in the European Union, not in a federation where we will become an insignificant province"[7]. Furthermore, Vaclav Klaus declared he remained the single chief of state who fights for democracy in Europe.

Vis-à-vis democracy and austerity in Europe, Gerhard Schroeder, declared for New York Times „I believe Europe must become more politically integrated in order to get over the long term financial crisis. The present situation proves it can be done a common monetary area without a common financial, economic and social policy. Therefore, we must build a real political union in Europe with an enhanced transfer of power from the nation-states"[8].

The Lisbon Treaty brings again in the European Union and its institutions focus the European citizen and one of the goals provisioned was to promote an European democracy to offer the chance to its citizens to involve in the function and development of the organization.

If the European leaders do not return to the democratic bases, to demos and referendum, also in their actions not only in the declarative level as provisions the Lisbon Treaty, the alternative it is not very desirable for the Union, the European institutions can loose their legitimacy allowing to the Member States to revive their national sovereignty in areas initially assigned to the Union and to change their means to settle own, internal and foreign, policies without taking into account the cohesion and common will.

2. Euro crisis and Member States cohesion

The eurozone comprises 17 Member States of the European Union[9] adopting Euro currency following the fulfilment of convergence criteria and sustainable economy in relation with the economy of the eurozone. By all means, there is the presumption the new integrated European states will bring a plus of stability and economic security if at the moment of adhesion to the eurozone they have a low and stable ratio of inflation, a stable currency and qualitative public finances.

The eurozone partnership strengthens the economic interdependency between the Member States, and the single currency used, as well as

Predictions for the eurozone	2011	2012	2013	2014
GDP growth (%)	1.4	-0.4	0.1	1.4
Inflation (%)	2.7	2.5	1.8	1.6
Unemployment rate (%)	10.1	11.3	11.8	11.7
Public budget balance (% GDP)	-4.1	-3.3	-2.6	-2.5
Current account balance (% GDP)	0.3	1.1	1.5	1.6

Table no. 1 – European Commission – European Economic forecasts, autumn 2012[11]

the associated monetary policy bring to closer commercial and financial relations. This emergent economic integration also encourages a better coordination of economic policies. The good functioning of the eurozone is crucial not only for the participant states but also for the whole European Union, because it actuates the economic performance. Therefore, under the present circumstances of crisis perpetuating also shows the future economic forecasts accomplished by the European Commission (See Table no. 1), the effects of economic recession are ravishing the financial market. Thus, the Euro currency lowered on the foreign exchange currency markets after the German GDP decreased with 0.6% and France publicly announced "it can not reach the budgetary goals for 2013, after registered a budgetary cut of 0.3% in three months until the end of 2012[10].

Actually, the crisis determines the Member States to distance one from each other creating a perception of European "civilization clash"[12]. In fact, in Europe, there are shaping three general trends: one German willing for austerity and rules, one Latin aiming the growth, and one Anglo-Saxon intending to loosen the connections with the EU.

Because of the political restrictions their states face, the European leaders focused on the institutional crisis restoration being behind the Euro currency fall and not on the resolution of the political challenges. In order to find viable solutions, there are foreseen four distinctive procedural approaches: asymmetric integration by using the existent treaties; narrower but more integrated eurozone grounded on the existent treaties; political union, by changing the treaty or negotiation of an agreement with the new avant-garde as a Schengen type treaty[13]. All the fourth approaches will fundamentally change the present institutional and political structure inherited by Europe from the Maastricht Treaty. Each approach has its advantages and dis-

advantages but indifferently the approach chosen by the Europeans, the challenge will consist in the resolution of the Euro currency crisis with exacerbating the European power crisis already in decline.

The Euro crisis unavoidably leads to the exposure of the Europe and democracy problematic. We consider the steps to be taken, on medium and long term, in the European Union framework are related to its economic stabilization, the exit from this accelerated crisis, the stop of its fragmentation and the initiation of preparative for a more emphasised integration and enlargement and the optimum solution to escape from the institutional crisis is turning towards people and democracy by submitting to the public debate of the issues related to the future of the European Union. In this concern, we consider a good intention the creation of the European public debate site[14] for the EU problems to be directly dealt with the European citizens able to express their opinions and even, in 2014, on the occasion of the poles for the European Parliament, to participate with their online vote to the election of their preferred candidates. This site should be popularized and exploited in order to keep the constant connection with the European citizens for understanding their wishes and dissatisfactions able to be more easily transmitted by these means instead of the multiple Gallup polls necessitating more extended financial, human, material and time resources. Each European citizen can create an account on this site, and thus have the possibility to directly express his/her opinion, to have continuous access to the newest information over the EU policies and legislative proposals over which could be organized debates and consultation with the wide public, thus the EU leaders could know faster what citizens agree or not and EU institutions could consequently react, preventing in this way the apparition of some new institutional

crises. The national governments would just have to act in regard to their population main reaction. The simplest trial to accomplish such instrument of involvement accessible utmost to all the European citizens would mean an important step for the democracy in the European Union and the growth of civic involvement of the Europeans.

3. Disintegrator trends inside the European Union

There have already been more then four years following the triggering in the United States of America of the financial-banking crisis which, when also spread on the European continent, damaged not only the economies but also the European states sovereignty, comprised of recession and generalized unemployment. The current economic crisis has strong consequences over the political and social environments.

Meanwhile, the European Union decisional apparatus did not prove capable to offer strong viable solutions to be widely accepted and implemented. Perhaps this happened because it was the first main crisis EU had to confront in the present form. The crisis launched the development "of a zero sum game where one's success represents other's losses"[15], awakening in the nation-states the ancestral instincts in conformity to which "each for himself and the devil take the hindmost" or "the stronger one wins". Thus, each Member State confronted and combated the crises more by singular, separated and disparate, measures, and not in the common framework offered by a single political entity as would have been expected. Such, there were exacerbated some previous latent or less manifesting tensions producing insecurity and confusion in the European Union.

3.1. Who should bear the effects of the economic-financial crisis?

One first disintegrator trend manifests as the dissensions between the developed and the developing and less developed countries. This can be perceived in two means. The first dimension is centred on the question: which of the Member States should bear the financial burden of eurozone stabilization?

The more stable financial states want for weaker countries to sustain the burden of the crisis by austerity, and the weaker states want for the stronger financial states to bear the recession's burden by lending the poorer countries ignoring the increasing risk for these loans not to be totally refunded. The result consisted in constant trials of compromises which, actually, lead to nowhere.

The second controversial aspect could refer to the social class that should bear the crisis. The question is if the less favoured classes should bear the burden of the situation by reducing the budgetary expenses they benefit of or the highest classes to bear the recession by increased taxes and contributions? This trend can be proved by the sharing process of EU budget for the 2014-2020 period of time in the European Council framework undergone in-between February 7-8, 2013. The manner was reached to the settlement of the budget of compromise in the crisis situations was not the most favourable for all the Member States and, as in any negotiation, some EU Member States benefited their previous experience getting the necessary budget allotments, and the states adhering in the more recent waves got lesser resources which probably would not allow them to reach the goals and qualitative standards of development aimed or asserted by EU. Thus, after the creditor countries insistence to cut the EU budget, the cohesion fund benefiting countries it seems used the strategy of losses diminution. In regard to the European Commission proposal of 1,003 billions Euros, in the variant adopted on February 8 (of 960 billions Euros)[16], Romania lost the most; thus 21% from the total EU budgetary cut was covered by our country[17]. Hungary, the Czech Republic, Slovenia also lost on the structural and cohesion funds following the conditions of funds' granting, but with smaller losses. Poland minimized its loss balancing the cut on the both pillars – cohesion and agriculture. We consider the budget's form settled to the end of this European Council transmits multiple messages over the evolvement of European construction cohesion as we can clearly notice there is maintained the differentiation among the stronger and the peripheral states and the refusal to grant sufficient funds for regional development will favour the deepening of the gaps among the states.

We consider the issue is not who must bear the effects of the economic-financial crisis, but the identification and prioritization of their resolution. Actually, the problems are multiple. They involve the sensitive situation of the banks, generalized

unemployment, the decrease of budgetary revenues of the Member States, etc. Still, the essential problem resides in the states' inability to find a common solution. Their inability to find a solution to escape the EU institutional crisis it does not owe to the lack of ideas or to the necessity to meditate longer over this issue but in the fact there is no political consensus over how to be uniformly paid geographically and socially the price of change, on the already existent background of budgetary austerity.

The national and class tensions stood against finding a solution agreeable and able to be honoured. If such solution it is not generated this year, we hardly can deduce it could be found afterwards. Perhaps some top leaders wish to slowdown the moment of a decision just for postponing the unavoidable, a possible disintegration of the European Union or a much weakened Union. Even the EU officials recognized EU collapse is a realist scenario. The European Parliament President, Martin Schultz, declared "an alarming trend toward renationalizing took is increasing … the chiefs of states and government assuming more and more powers by debating and taking decisions behind the closed doors and without taking into account the communitarian methods"[18].

If, still, EU leaders succeed to implement a plan of institutional change unitary and concretely supported, then we can cay Europe is possible to go out from crisis.

3.2. Nationalist trends

In the last decades, EU suffered an obvious crisis of identity. Since Denmark voted against the Maastricht Treaty, in 1992, the slightest idea of modification induced requests for new referendums. The negative vote in France and Holland to the 2005 referendum over the European Constitution is the most outstanding example. In the same category are included the single actions of the United Kingdom appealing to all kind of mechanisms to the limit of legitimacy in order not to offer total rights to the European citizens originated in the Eastern Europe states, as Romania and Bulgaria.

The political evolutions from many European states leads to the idea the European Union, as economic, political, social and cultural institution in endangered.

The biggest danger seems to come out from the nationalist policies. The neo-nationalists promote their policies reasoning the economic crisis,

promising lower taxes and better environmental and energetic policies.

The European Union engaged to eliminate xenophobia and racism by replacing the discrimination with the liberal-democratic and social principles as tolerance and unity in diversity; still, these are frequent problems damaging the minority communities or the groups of migrants. The nationalist and antiracist actions reached to be so seriously manifested in Finland that the representatives of the Nationalist Party – "True Finns" ("Perussuomalaiset"[19], in Finnish) – launched the idea to introduce some different coloured special signs according to nationality for foreigners in this country to wear[20]. Similar manifestations are taking place in Italy, where the nationalism is promoted by the *Lega Nord* movement, which proposes cultural communitarism, solidified on the contempt for foreigners, exacerbated local patriotism, despise over the persons living in the south of Rome, xenophobia, federalization claims, etc.

Last year, the so-called "electoral nationalism" appeared as term came from the use of nationalist ideas in electoral speeches. Thus, in all rich Western states, nationalism wins terrain and extremism becomes more vocal and shocking: in France, in the Netherlands, in Belgium, in Finland, and, recently, in Switzerland[21]. Thus, the former president of France, Nicolas Sarkozy, requested, in May 2012, during the electoral campaign for a new mandate, the revision of Schengen agreements and threatened with the adjournment of France participation if a political governance is not put in practice in twelve months[22]. By all means, Sarkozy transmitted he wanted EU to be able to execute, suspend or exclude any state from Schengen area which does not fulfil its obligations. The main counter-candidate of Sarkozy, the socialist Francois Hollande, blamed him for gypsies' situation in France after, in February, he proposed special camps for this ethnical minority in order to "prevent as this category of population to locate anywhere"[23]. Also, Hollande, who became later on president, introduced the rhetoric related to the labour market, the lack of jobs being one of French people preoccupations, as concern the Gallup polls[24].

3.3. Secessionist trends

Reportedly, the true human characters are revealed in crisis situations. We consider this observation is available both for individuals and

for groups. The secessionist ideas are old since ages in the European area, but since the economic-financial crisis started to damage peculiarly the European Union's space and economy, these gained amplitude because of the instability framework created, more viable for such transformations, and the single thing necessary is a precedent at one state of the Union. We already have a precedent, in Europe, Kosovo, but still it has different connotations because Serbia it is not part of a common area as EU.

In many sovereign Member States there are regions with different economic, linguistic and cultural regions wherein are more or less manifesting separation trends. In the EU framework, the secessionist trends are manifesting in Belgium (Flanders), France (Corsica), Spain (Catalonia and the Basque Country), United Kingdom of Great Britain (Scotland and Wales), Italy (Southern Tyrol) and even countries in Eastern Europe (Romania – the Szekler Land). These trends manifest in areas wherein the exacerbated nationalism of some peoples manifests. Secessionism's motivations are different and more or less grounded or realist, from the economic to the language issues.

Some areas as Catalonia and Scotland are economically advanced; therefore, some could consider those states fragmentation as a welcomed change, able to lead to the creation of smaller states wherein the population better identifies with the ideology and culture present in the respective region.

On September 11, 2012, a march in the favour of self-determination took place in Catalonia (Spain) where the Catalan police estimated a number of about 1.5 millions participants. Pro-independence activist argues their proposal précising Catalonia contributes about 20% to the federal budget collected from taxes, but only a percentage of 14% is appropriated to own budget[25].

In September 27, 2012, the Catalan Parliament approved a referendum over the problematic of independence from Spain, but the Spanish government prevented it would prevent such referendum from taking place[26]. Meanwhile, the party president of the regional government and the opposition party reached to an agreement over the convocation of a referendum on the Catalonia self-determination in 2014[27].

Also, the Scottish people announced the organization of a referendum in 2014 over the region's secession from the Great Britain. The situation is still disputed. However, we consider the possibility for any region being part of an EU state to get the independence remains low, but these manifestations can encourage similar actions in the Eastern Europe, where the risk of some social riots to rise is higher. But, under the impact of the problems generated by the lack of adhesion to the Union's values and the issues triggered by the crisis, the inadequacy of many Europeans to a more complex world, the European Union as a whole risks to disintegrate and then it just would not matter how many nation-states are part of the European area, because the universal balance will already have been in sufferance and the world's balance of power would get a totally different profile from the actual one, owed to the fragmentation of the present common space representing a force in the world just owed to its existing form.

4. The political union – solution for reinventing the prosperous Europe?

The idea of political union in the EU framework is not new. It was sounded out and even some demarches were done, but they failed because in the respective moment the Member States were pleased with that statu-quo. Meanwhile, things changed. The euro crises lead to a massive transfer of power to EU determining the political union to become a possibility. But, although the pro-Europeans formally agreed the political union is necessary to save euro currency, basically they think to totally different means to do it.

Initially, Angela Merkel, the German Chancellor declared "before anything, we need a political union"[28]. She also frankly stated "Germany's European partners should decide if they truly wish more Europe or just more German financial resources"[29].

After the statement of Germany's position, it obviously shows the states unwilling to assume the restraints coming from the new structure can remain EU members but will not benefit by the new union's advantages.

At least, the United Kingdom is seriously tempted to renounce its participation in the new European construction, even if there are voices sustaining this withdrawal will bring the British people more economic disadvantages than advantages.

Francois Hollande, the French President, foresees "The political union (...) is the phase following the budgetary union, banking union, and social union. It will come to offer the democratic framework for what we will succeed as concerns the joint integration"[30]. We can conclude from this declaration, in principle, that French people agree with a political union, but not before achieving the other forms of union: economic and social. We consider the declaration is, basically, neutral, even with resistibility shade. France is in expectative. We affirm this because, under the present conditions, each of these achievements, if they will be finalized, represents tests of cohesion and solidarity for EU which is confronting with differences of vision starting with the ones over the manner of management of the existent economic resources. Thus, in a material published in media it is briefly presented that "the gap between the Union's expenses and resources was one of the reasons of European leaders' fervent discussions"[31]. These discussions taking place on the background of the economic crisis led to the drastically weakening of Greece, Spain and Portugal economies, putting to the hard test the cooperation of the Member States in the Union's framework. Under these circumstances, some states (Germany, for example) sustained the already mentioned states, and others (as Finland) proved their euroscepticism over the crush of the eurozone[32].

When it was just a wish, the political union was considered to be a simple choice between federalization and inter-governance. At present, when is seen as touchable possibility, it was proved the election the Member States should do is more complicated. The European leaders must decide how far to go with an economic federalization involving the common indebting, how much political space to comprise this federation and if the legitimization of this political union will be done by the national governments or parliaments, the present institutions development or the creation of new institutions in the EU framework.

Conclusions

We consider that, before political trends, there must be considered the social context and the living conditions of the 500 million citizens.

Despite the Member States leaders' declarations, the future of a closer Europe as before is more and more uncertain. While the Euro situation worsens, the national governments dominate more in the detriment of the weakened supranational institutions.

While the biggest states of the eurozone focus on crisis and the United Kingdom of the Great Britain progressively disengage from Europe, new coalitions of will created by the second rank members lead the EU foreign policy. We consider the European leaders should start looking beyond the crisis, in order for them to regain power, prestige and influence the Union lost and to return to cohesion, trust and respect of democratic basic principles.

Perhaps in the future will be formulated a global European strategy grounded on the political involvement in the European life and the general will of the European citizens, followed by the common political will of all the European Union states grounded on the directions settled by their citizens, after where left behind the nationalist or elitist egos, the national interests or the basic instincts of the stronger over the weaker. By all means, when the democratic values will be responsibly and equally respected by all the Member States and not only reminded in the EU documents, and the burden of the crisis will be seen as a common not individual task, the Europeans as a whole and with single voice will have the chance to affirm again their statute as great power on the globe.

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TOWARDS A EUROPEAN UNION CIVIL CODE? (PART I)

Valentin-Stelian BĂDESCU, PhD*
George RĂDUICĂ, PhD**

In recent decades, legal sciences have been experiencing an increased affirmation in various fields of the society. Development and complexity of social relations, the unprecedented multiplication of intra-and inter-social contracts led to a correlative development of law and its ramification into new branches, such as broadening of its scope of action, certified at various levels. This increases the explanatory and standardizing role of law science, whose function of researching and deciphering reality is diversifying and deepening, adding the prospecting side of given reality.

Keywords: civil code; European Union; private law; European law; contract law; European legal space; interdisciplinary research.

1. Argument

Why such an article? Modernization and improvement of legislation as well as its simplification, represent a goal which all countries proposed to themselves over time, and the European Union did no different. A great lesson was given to humanity by bringing together the civil law rules in the famous Napoleonic Code, when the Emperor assembled a team of lawyers who worked for four years and the resulting laws merged and have become the French Civil Code, a source of inspiration for many other countries. Its founder, Emperor Napoleon, was well aware by the significance of this work, appreciating, at the sunset of his life, that the most important accomplishment would remain the Civil Code – a fact which posterity certified.[1] It is worth recalling that Napoleon Bonaparte was a visionary of a united Europe, but accomplished by other means than those of the today's European Union.

Elaboration of codes is a work of great importance in the evolution of the law, culture and civilization of a people in general.[2] Legal codification represents thus "the quintessential systematization of law, codes being for the best law fields the common law in the domain"[3] and it is not the prerogative of modern societies. In ancient times, Babylonians, Persians, Indians, Chinese, noticed many details about the systematic structure of the law, with enough evidence in this regard – Code of Hammurabi, king of Babylon, Old Testament, ancient Indian books, Mahabharata, Ramayana and the collection known as the "Laws of Manu"

* Valentin-Aurelian BĂDESCU, PhD, is lawyer with the Bucharest Bar and lecturer at the Faculty of Law and Administration of the Romanian-German University, Sibiu, Romania. E-mail: valentinbadescu@yahoo.com

** George RĂDUICĂ, PhD, is expert with the Center for Defence and Security Strategic Studies from "Carol I" National Defence University, Bucharest, Romania. E-mail: raduica.george@unap.ro

– contain advanced principles in comparison with the time. However, the characteristic feature of that period is the isolation of human communities, which resulted in the impossibility of comparison with another collection of legal rules saying that their encoded law was justified by nature.[4]

The fact that Athens, Jerusalem and ancient Rome, as well as other states of antiquity resorted to these essential legal instruments shows that at least in this area there is continuity. And from then until the present days, coding included almost all branches of law, which evolved, and, despite not very optimistic predictions made more than 150 years ago by the father of sociology – Auguste Comte – that the law, not being a science, will have to disappear, law science has developed permanently, along with the latest scientific researches. Far from disappearing, law is developing in various fields of the society. There is a widening of the scope of the law, certified at various levels, which increases the explanatory role of law science whose researching and deciphering function of the real is diversifying and deepening, adding the prospecting side of given reality.

History shows that everywhere law adopted rules imposed by society, or social realities, to be more precise. While we have seen that not every innovation must be countered, as in the case of a project of a European Civil Code, by principle, not only because it is sometimes a futile effort, since law listens to its own interests, but also because going on the just progress of the EU law, obstacles may arise, which could be harmful.

Nevertheless, we can not admit that everything new is also good. The *European Code of Contracts Project* was new at one time (in the sense that someone used it for the first time), instead of the *Civil Code of the European Union*, but this formula has already found consecration in the specialty doctrine.[5]

Studying EU law at a certain temporal level, regardless of the evolution of society is not possible. Not only that we might not fully understand the situation if we do not know history, but freezing the law at a certain point in time is not feasible. We know that everything that exists is in constant motion and transformation, but for EU law this is perhaps still more sensitive than for other areas of research. Any paper that describes current law calls for highlights of the last century, and is entitled to do so. EU law has evolved (and even significantly)

since 1951[6] to 2013, an evolution that focuses on the decisive role of innovation in training, formulation and interpretation of the law, a mechanism that occurs in both substrate and in the law language. Innovation and coagulation process of EU law was led and influenced, in the current period, to a large extent, by human rights and the principles of humanism, showing us how the law changed, thus gaining a more human face. Indeed, the substitution of the term "Community law" with "EU law" reflects the influence of the human rights movement. Although, initially, the term "Community law" referred to the Constituent Treaties, it is now increasingly used to signify the whole legal order of the European Union. Focusing on development driven and targeted by human rights and principles of humanism, we can not forget that they are only a part of multiple factors that interact and compete with the formation of the rule of law.

Here's how the study of the current state (synchrony) must be combined with the study of past states (diachrony). In this way, we realize, for example, that the importance that used to be attached to these types of rules results from the fact that they were based on some fundamental principles of law on which we will dwell in this article. To recognize current trends of EU law, it is necessary to examine its short history, as the historical dimension of the law confers it prestige and authority alongside the creations with large human-social resonance. Complexity of socio-legal phenomenon involves structuring its research, a distribution of roles in connection with the need for enhancement of its connected edges. The law, as a complex phenomenon of society, is examined not only from a historical perspective, preserving some constants across social development, which also transforms during this development, but also from a structural perspective, with multiple qualitative determinations, with components that are themselves in a state of acute interference and from global perspective as a coagulated system, with characteristic regularities. Tracing the evolution of this phenomenon emphasizes the progress of legal status, but at the same time highlights the continuity of the law. Thus, it is proved that the study of history alone is not enough, not even combined with synchronous research, but it is necessary to examine the current needs of EU law as it develops in order to determine whether it is possible that the current trends which trace the

law's development from an interstate perspective to a human rights perspective still retains its vigour[7].

Thus, it should be followed, in terms of history, every element of law and, at every changing, should be examined the law structure at that time to see how the change was necessary to the given situation and, further, how the change, in turn, influenced the structure of law, causing other changes. Unfortunately, such a study is not possible, not only because it claims a tremendous amount of knowledge, but rather that the doctrine and jurisprudence have provided almost all it was needed to track changes of every detail. The truth is that if the program outlined here would be executed, the data would be overwhelmingly abundant. The solution is the choice of historical material showing significant changes, i.e. changes that result in a reorganization of the system, in other words, distinguishing from the multitude of details of what is decisive for the evolution of Community law and overlooking accidents, or minor changes.

2. The law system in the European Union

2.1. Semantic aspects about the idea of European unity

Since the dawn of the Community, Europe questions itself about its purpose. Is it simply a common market which eliminates the boundaries between national civil societies and which opens to large flows of international trade? Or Europe is moving step by step towards the formation of a political federation that inherits national state, as it has inherited cities and feudal states?[8]

If Europe's purpose is controversial, only normative foundations of the project have been the subject of consensus. European construction was conceived as a peacemaking instrument. However, the European Union is not the first political expression of a lasting association of European states, various initiatives have preceded it, many of them reflecting the desire for hegemony and dictate and it would be wrong to assume that the current developments and the level achieved in the European integration process is an isolated phenomenon whose beginning dates from the years following the World War II, a direct application of ideas, initiatives and proposals put forward by the original founders of the European project and, thus, the ideal of a united Europe is an initiative of recent date.[9]

The origins of the idea of European unification lie in the Antiquity. The Roman Empire, by its political, legal and governance system, through their own social order, lasted about five centuries (47 BC - 476 AD) and can be considered as the first attempt to integrate a large part the continent, the Mediterranean area and Asia Minor. For ancients, Romans especially, multiplicity was normal. Rome was built by aggregation of different cities integrated in a common republic, leaving most of them with extensive autonomy.

This multiplicity has been perpetuated in the Middle Ages when a complex legal system allowed the simultaneous design of cities' autonomy and imperial powers, and precisely against the plurality of politics was built modernity. The idea of the nation state was born from the need felt by rationalistic spirit of the Renaissance to sort out the medieval. During the same period, the idea of European unification was born, but this was seen as a means of achieving the various political purposes: resistance against Muslim expansion, dream of some monarchs, the creation of new empires, on the bed of the former Roman Empire, or simply as a means of peace-building in Europe.

During and after the Thirty Years War (1618-1648), in which religion was mixed with politics, and ended with the Treaty of Westphalia (this marks the beginning of the nation-states in Europe), the federation plans became more frequent. British William Penn proposed for the first time in "An Essay Towards the Present and Future Peace of Europe" (1693) a scheme in which the idea of unification is put on a nonreligious ground. He envisaged a federation for the American colonies (achieved, in fact, in his memory a state was named Pennsylvania) and, similarly, a European federation. He suggested European governance through diet composed of representatives of the states, in which decisions should be taken by a majority of three quarters, and the diet should be equipped with an armed force.[10]

The German philosopher Immanuel Kant advances in "Zum ewigen Frieden" (*On the eternal peace*, 1795), with the occasion of the Treaty of Basel, the following proposals: free states in a federation of nations state, able to guarantee its citizens freedom; democratization of Member States, by applying a republican constitution; the practice of an open democracy; disarmament and the abolition of permanent armies; condemning

any interference in the internal affairs of other states. Often, the European idea coincides with the *international collective security*. Relevant in this respect are the words of Victor Hugo: "There will come a day when bombs will be replaced by the venerable arbitration of a great sovereign Senate which will be to Europe what the Legislative Assembly is in France." In 1849, presiding "Friends of Peace Congress", he is the first to launch the famous formula "United States of Europe"[11], an expression taken, a century later, by Winston Churchill in his speech at the University of Zurich in September 19, 1946.

Until the World War I, the history of the European idea is marked by several milestones: attempts to set up the "universal monarchy" in Europe by Charles V in the sixteenth century, the Habsburg attempts to organize a continent where "Austriae est imperare orbi universa" (is given to Austria to rule the world), through military conquests and strategic kinship with other royal houses; applying the ideas of the French Revolution by Napoleon, in order to establish a political and economic Europe. In fact, the Congress of Vienna (September 1814 – June 1815) is the building of Europe under the tutelage of United Kingdom, Austria, Prussia and Russia reunited later in the Quadruple Alliance – "the defence tool of legitimate sovereigns."[12] Defeat of 1848 revolutions meant keeping the idea only in the form of aspirations of writers, philosophers and politicians (Hugo, Nietzsche, Hegel, Napoleon III).

The end of World War I marks America's exit from isolationism and an active involvement of President W. Wilson in materializing the idea of European unification, as part of the process of unification of world states. Europe knows now two concepts about its future building: first envisages cooperation without exceeding sovereignty, and the second, to overcome this sovereignty, via an integration process. French foreign minister, Aristide Briand, rallying to federalist concept, proposed in a speech on September 5, 1929, in front of the 10th session of the League of Nations, a federal link between European nations: "Among peoples who are geographically grouped together like the peoples of Europe there must exist a sort of federal link." But, he specified: "without infringing the sovereignty of any of the nations which might take part in such as association." Briand's federal policy was based on the achievement of

a sincere and honest agreement between France and Germany, even at the risk that France will fall under Germany's economic servitude, and UK was also included in future federation, as proposed by Coudenhove-Kalergi, which, while participating in discussions, adopted a negative attitude. Besides the British Commonwealth, a negative attitude towards Briand's design was adopted by Italy, while Germany and the Little Entente gave active support to Briand's action. Czechoslovakia joins the Federal movement of Briand on September 9, 1929, and Romania, by G.G. Mironescu, claims that a normal economic development of European countries must be made in advance, for only thus will be a solid foundation of federal collaboration.[13] Memorandum that Briand proposed on "European Federal Union", edited by Alexis Leger and presented at the League of Nations Assembly in May 1, 1930 begins by stating what is not European federation, i.e. an alliance directed exclusively against a nation or a group of nations (US or Russia) and will not have the character of a customs union, which, by means of prohibitionist tariffs, turns into a closed market to other exporting nations (an allusion to the UK and US), ensuring that national sovereignty of Member States will not be touched by participating in the old continent's federation.

Concrete proposals to create a European conference, a permanent political committee and a secretariat that can only bring on a European scale existing bodies in the League of Nations[14], were subject to consultation of the 27 European countries and hostility of great powers condemned to failure this draft of a federal Europe. All these plans will face opposition from nationalists and communists, as was observed by Count Coudenhove-Kalergi: "World War II was, in fact, not a war between European nations, but the confrontation between the three ideologies, whose goal was a united Europe; a war between Hitler, Stalin and Churchill. Hitler wanted a united Europe under the leadership of the Third Reich; Stalin wanted a big communist Europe; Churchill took over the pan-European program of a free and united Europe."[15]

In the last two years of the World War II, resistance groups have questioned the configuration of Europe after the war. French resistance group "Combat" and "Action Party" group from Italy, in a draft declaration, ascertained in Geneva, in 1944, that "within a single generation, Europe was the

epicentre of two world conflicts which, first all, had their origin in the existence of thirty sovereign states on this continent. It is important to fix this anarchy by creating a federal union among the European peoples".[16]

The Federalists Congress, held at The Hague, 7 to 10 May 1948, concluded that European construction is the only way to avoid confrontation, but the states were not yet prepared for this evolution. The option at that time was for cooperation, for the establishment of international organizations in which states are represented equally, with safeguarding mutual interests. Integration projects requiring states to abandon national sovereignty in favour of the ruling institutions were formulated only in the 50's, by creating the three Communities, but even this integration did not corresponded totally to wishes expressed by supranational supporters, especially because, starting with the 70's, Communities have experienced a serious crisis.[17]

2.2. Establishment of the European Union

The process of creating the European Union actually started after World War II and went through several stages. In this regard was reactivated the federalist trend in hope to establish the United States of Europe, but later, due to divergent interests of European countries only Council of Europe was created as an international cooperation organization, which sought to ensure the sovereignty of each Member State.[18]

Federalist theory put to the fore the political factor and used the historical experience of American and German federalism. Adherents of this theory assigned nation states' competencies at regional level, advocating the elaboration of a federal constitution. This trend was struck by the opposition of nation states, which is why the myth of the creation of a federation of United States of Europe was not achieved, although currently, the Lisbon Treaty contains elements of federalism, such as: the division of competences between the Union and Member States; the role of the Court of Justice's jurisprudence; the force of Community legal acts; European citizenship; European single currency; the principle of subsidiarity.

Functionalist theory supported the primacy of technical and economic factors, leading to techno-economic integration of European states, due to their need for economic management by centralized institutions, given that nation states do

not meet this task. Simultaneously would occur, progressively, a political integration of member states. Of course, that also crashed, in turn, by resistance of national political communities and by strengthening of means by which European countries are consolidating their own economies. However, in the European Union evolution there are found aspects of this theory, such as the common agricultural policy, as a definition of all Community economic policies which results in the need for policy coordination of the states.

In 1948, the French government proposed Great Britain, the Netherlands and Luxembourg creating a European Parliamentary Assembly. Thus, on May 5, 1949 in London, France, UK, Belgium, Netherlands, Luxembourg, Italy, Denmark, Norway, Sweden and Ireland have adopted the Statute of the Council of Europe, which entered into force on August 3, 1949, which, although had the main goal the achievement of a greater unity between its members, can not be considered as a precursor of the European Union, but rather a legal framework for cooperation between European countries.[19]

The Council included European countries based on pluralistic democracy and human rights protection, constituting the place for political dialogue between states, resulted, moreover, by the adoption in Rome on October 4, 1950, of the *European Convention on Human Rights*, which entered into force on September 3, 1953. Besides, the organizations with cooperation character seek coordination of Member States, the bodies created having an intergovernmental character and decisions taken are producing effects for each state, while integration organizations are creating their independent bodies from states, and their decisions are required both for the Member States and for individuals[20].

European Coal and Steel Community (ECSC) was established on April 18, 1951, following the Treaty of Paris signed by six European countries: France, Germany, Italy, Belgium, Netherlands and Luxembourg. The idea belonged to Jean Monnet and was presented by Robert Schuman, the Foreign Minister of France, at a press conference on March 9, 1950, when Germany and other Western Europe countries were proposed to form a common market, in order to ensure forces for economic reconstruction. To this end, the production of coal and steel were placed under a common High

Authority leadership. The immediate objective was to achieve Franco-German reconciliation and elimination of secular opposition between France and Germany, and for the long-term to follow the achievement of a political union of Western Europe states, which would make impossible any military confrontation between them and at the same time to strengthen their position in the international arena.

High Authority was headed by Jean Monnet, establishing in Luxembourg in 1952, after the entry into force of the ECSC Treaty on May 25, 1952 and will last for 50 years.[21] ECSC was practically the first experience of integration through a regional organization in which supranational institutions were endowed with a real legislative power with effect on internal order of the Member States.[22]

European Defence Community project was conceived by France in response to the US willingness to accept German rearmament. The treaty was signed in Paris on May 27, 1952 by Germany, Italy, Belgium, Netherlands, Luxembourg and France, where the French National Assembly refused to ratify authorization. For this reason, the treaty has not entered into force, and the establishment of the European Defence Community was considered a failure. It was conceived as a supranational organization, which had to manage a multinational European army. Every state had the right to have only limited forces, as defence policy was transferred from Member States to the Community. European Defence Community Treaty maintained the institutional structure established by the ECSC, except that the power of decision it had the Council and the independent body was the Commission, which had extensive management powers.

On 1-3 July 1953, at the Conference held in Messina, Italy, the foreign ministers of the six ECSC members decided the expansion of the system to other economic areas in order to achieve a general common market and the creation of a common nuclear market. Thus, on March 25, 1957, were signed the two Treaties at Rome which established the *European Economic Community* (EEC) and *European Atomic Energy Community* (Euratom).

The two new Communities were founded on unlimited duration, without being specified in treaties as supranational bodies, although they had wide powers. There were common bodies:

Parliamentary Assembly and the Court of Justice and a permanent contact of executive bodies, which determined that the three communities – ECSC, EEC and Euratom – be considered as a whole.[23] Thus, the Treaties of Rome marked a reversal of supranational, as they have provided opportunities for integration by extending the powers of the Parliamentary Assembly, whose members were to be elected by direct universal suffrage and the transition to majority voting in the Council (objective accomplished since 1986 through the adoption of the Single European Act).[24]

European Economic Community (now the European Community after the Treaty of Maastricht in 1992) has set the objective of promoting the harmonious development of economic activities throughout the Community, creating the foundations of a "Union" more closer to the European people, imposing, from an economically point of view, of a common market with similar characteristics of national markets. For this purpose, it provided free movement of goods and their protection from outside the Community by common customs tariffs, free movement of people and capital, protection of free competition. It also aimed to harmonize Member States' economic policies, establishment of common sectoral policies in agriculture, transport, external trade relations. Subsequently, the EEC has received new powers in defence of the environment, social and regional policy, education, research and technology.

Unlike the treaty that created the ECSC, which has the legal effect of a law treaty, the Treaty that established EEC sets only the general framework, which can not directly create legal obligations, since the provisions of art. 2 specifies only Community's task, without containing autonomous rules. These objectives can not have the effect of creating legal obligations for Member States nor rights in the benefit of individuals[25], but only orients the interpretation of Community law in a formalistic way, contributing to the expansion of Community competences.[26]

As the Common market was not defined in the treaty, it was regarded by the Court of Justice as a unified economic space, free from internal obstructions, where customs and economic union will be made progressively. The Court of Justice also stated that the concept of common market aims to remove barriers from intra-Community trade in order to merge national markets into a

single market able to offer conditions as close to those of a genuine internal market.

Progressive approximation of the economic policies aims that the Member States, in close cooperation with the Community institutions, to coordinate their economic policies to the necessary extent for achieving the objectives set by the Treaty. On April 8, 1965 took place the merger of three executives of the three Communities, the Merger Treaty being signed in Brussels and entered into force on July 1, 1967. It comprises 39 articles grouped into five chapters and does not modify the powers originally granted by the treaties establishing the Community institutions. Regarding the Council, voting rules by unanimity and qualified majority or simple remained, the only innovation being the creation of a single autonomous Commission. According to art. 10, paragraph 1, para. 4, the Commission included at least one person from each Member State, the mandate being limited to 4 years.

Merger Treaty stipulates the independence of the Commission to the governments of Member States, but sets its political accountability to the European Parliament, which may adopt a motion of censure against it. Also, one single administration community was created, establishing a unique status of civil community function and unifying the systems of immunities and privileges of Community officials.

The *Single European Act* was signed in Luxembourg on February 17, 1986 by nine countries (France, Germany, Belgium, Netherlands, Luxembourg, Spain, Portugal, Ireland and England), and in Hague on February 28, 1986 by the other three countries (Italy, Greece and Denmark). The Single European Act marks a new stage in the achieving of the internal market and relaunched Community action, constituting a very important moment. It highlights the political will of Member States to put an end to stagnation of community construction, reconciling two trends that were found in the building of Europe – interstate cooperation and supranational foreshadowing the European Union.

The preamble to the Single Act refers to the transformation of the relations of Member States in a European Union. Title I provides provisions common to European Communities and political cooperation, Title II makes several changes to the treaties establishing the European Communities, Title III covers European political cooperation in the context of community building and Title IV contains general and final provisions.[27]

Without giving up their sovereignty, Member States were summoned to consult before setting their final positions. Each state was required to take into account the views expressed by the national, common interests and positions of other countries. Although defence matters were not covered by the Single Act, it stated that its provisions do not constitute an obstacle to closer cooperation and security in the area between the High Contracting Parties, within the Western European Union and NATO.

The Single Act has the merit that, for the first time in an international ratified treaty, the European Union is mentioned as the objective of participating states. Through the Single Act, European Union was not created, but it showed that its building was to be based on two pillars: the European Communities and European Political Cooperation.

The Treaty on European Union was signed in Maastricht on February 7, 1992 and entered into force on October 1, 1993, due to difficulties encountered in the process of ratification by the states. Belgium, Luxembourg, Netherlands, Italy and Greece ratified by ordinary parliamentary procedure. In Spain and Portugal, before ratification, constitutional revision took place, as in Ireland, where revision was approved in a referendum.

EU objectives are set out in art. 2 of the Treaty of Maastricht, being achieved only by the principle of sovereignty, as defined in art. 5 of the Treaty, establishing the European Community. The Treaty does not refer to any "federal vocation" and not makes Communities into Unions.[28] It does not have a legal personality, but only a political existence.[29] Ambiguous wording of the provisions contained in the treaty "The Union is founded on the European Communities, supplemented by the policies and forms of cooperation introduced by this Treaty. Its mission is to organize in a coherent and cohesive relations between Member States and between their peoples" (Article 1) denotes that the signatory states have not fully accepted a federal structure, although some trends, which transfers extended powers to Union, marks this direction: the single currency, common policy on the movement of third states citizens in the Union, the establishment

of the principle of subsidiarity, which regulates concurrent competencies by Communities and Member States.[30]

On the other hand, the limited powers in foreign policy and absent institutionalization of an independent body to represent the Union, indicates the limits of these federal trends. Thus, although there are used the principles and mechanisms specific to federal structures, such as the primacy of Community rules and integration, national identity of component countries, however, is consecrated by art. 6, paragraph 3 of the Treaty. In addition to the limited cooperation, in the foreign policy domain, there is no Union defence policy of its own. At Union level, the European Parliament does not have the importance, competencies and significance of state parliaments. Therefore, one can not speak of a federation, nor a confederation, which is mainly focused on foreign policy and defence, although the principle that a confederation decisions are made by agreement of the Member States finds applicability in the functioning of the European Council.

Therefore, the EU is a European legal and political structure, unusual, specific, unique, a new system outside the legal and political categories currently known.[31] Thus, the originality of Community system is that it provides a framework within which Member States have agreed to jointly exercise certain powers of their sovereignty.[32]

The European project builds on the foundations of a common heritage of European society, by values, principles and rules specific to these peoples developed along their history. The main goal of the EU is to create a common political space of European peoples and this construction starts, however, from the state, which can not be ignored or to move beyond its borders without properly regulate this type of relationships. Here is how, for the first time in its history, Europe, eben if not entirely, became a union, not by force of arms, but of law.

NOTES:

1 Virginia VEDINAȘ, "Codificarea juridică și codificarea deontologică", in *Caietul Științific* no. 6/2004, Burg Publishing House, Sibiu, p. 366.

2 Antonie IORGOVAN, *Tratat de drept administrativ*, vol. I, All Beck Publishing House, Bucharest, 2001, p. 141.

3 Ioan SANTAI, "Codificarea administrativă, cerință a statului de drept și a integrării europene a României", in *Revista de Drept Public* no. 1/2003, p. 58.

4 Valentin-Stelian BĂDESCU, *Umanizarea dreptului umanitar*, CHBeck Publishing House, Bucharest, 2007, p. 7 et.seq.

5 D. M. ȘANDRU, "Evoluții recente în armonizarea dreptului european al contractelor", in *Revista Română de Drept Comunitar* no. 3/2007, p. 34

6 A draft pact for European Union States was proposed by Michel Debré, in December 1949, within the Council of Europe, where it provided a federalist leadership and management, with a president elected for five years by universal suffrage and commissioners established by it, a senate composed of the Ministers of the Member States, a court composed of judges and a European assembly composed of national delegates. The proposal of Michel Debré in Paris was reinforced by the declaration of French Foreign Minister, Robert Schuman at May 9, 1950, supported by Jean Monnet.

7 For large parts of the current doctrinal transformation of international law see also Nquen Quoc DINH, Patrick DAILLIER, Alain PELLET, *Droit international public*, Politique étrangère, 1987, Volume 52, Issue 1, pp. 60-81, and references cited there.

8 Carmen Simona RICU, "Ordinea juridică europeană", in *Caietul Științific* of Annual session of scientific papers of "Carol I" National Defence University, Bucharest, 2010, p. 540 și urm.

9 Ion JINGA, *Uniunea Europeană. Realități și Perspective*, Lumina Lex Publishing House, Bucharest, 1999, pp. 9.

10 Ion A. POPESCU, Aurelian A. BONDREA, Mădălina I. CONSTANTINESCU, *Uniunea Statelor Europene. Alternativă la sfidările secolului al XXI-lea*, Economică Publishing House, Bucharest, 2005, pp. 41-42.

11 *Ibidem*, p. 43.

12 *Ibidem*, p. 43.

13 George CIORĂNESCU, *Europa Unită. De la idee la întemeiere*, Paideia Publishing House, Bucharest, 2004, p. 141.

14 G. CIORĂNESCU, *op.cit.*, p. 142.

15 http://www.ziarullumina.ro/pagina-de-istorie/eforturi-de-unificare-europeana-perioada-interbelica

16 I. A. POPESCU, A. A. BONDREA, M. I. CONSTANTINESCU, *op.cit.*, p. 45.

17 Christian HEN, Jacques LÉONARD, *Uniunea Europeană. Un memento complet asupra integrării europene*, 10th edition, C.N.I. Coresi S.A. Publishing House, Bucharest, 2002, p. 15.

18 Carmen Simona RICU, *op. cit.* p. 542.

19 Philippe MANIN, *Les Communautes Européennes, L'Union Européenne*, Pedone, 1998, p. 13.

20 Jean-Claude GAUTRON, *Droit européenn*, Dalloz, 2002, p. 13.

21 Ovidiu TINCA, *Drept comunitar general,* IIIrd edition, Lumina Lex Publishing House, Bucharest, 2005, p. 5.

22 Jacqueline Dutheil de la ROCHÈRE, *Introduction au droit de l'Union Européenne*, Hachette, 1995, p. 9.

23 Philippe MANIN, *op. cit*., p. 17.

24 Jean-Claude GAUTRON, *op. cit*. p. 15.

25 Carmen Simona RICU, *op. cit.* p. 545.

26 R. KOVAR, *Communautes Européennes – caractères généraux*, Juris-Classeur Europe, 1998, Fascicole, p. 110.

27 Guy ISAAC, *Droit communautaire général*, Ed. Massou, 1994, p. 23.

28 Ami BARAV, Christian PHILIP, *Dictionaire Juridique des Communautes Européennes*, PUF 1993, p. 1087.

29 Guy ISAAC, *op. cit.* p. 26.

30 Philippe MANIN, *op. cit.* pg. 21.

31 Philippe MANIN, *op. cit*., pp. 64-65.

32 Jean BOULOUIS, *Droit institutionnel des Communau les européennes*, Domat Montchrestien, 1993, p. 22.

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CONCEPTUAL INSIGHTS
OF STRATEGIC SHOCK
AND STRATEGIC SURPRISE

Stan ANTON, PhD*

Strategic shocks rock the usual conventions in such a way that require the affected institutions to fundamentally reorient their strategies, missions, investment policies, etc., by definition, strategic shock being unexpected and unpredictable.

"Shock" and "surprise" are not synonymous, although, semantically, they have similar connotations. Shocks are distinct from other unexpected events of strategic importance because they are not expected and are represented inadequate in security and military strategies, their occurrence triggering a strategic and major disorganization, fundamental to the functioning and viability of a system of national defence and security.

Keywords: strategic shock; strategic surprise; military strategies; defence; security; impact; probability.

Introduction

Strategic shocks have the gift to change the nature of the "game" itself[1], and the induced disturbances are suddenly, occurring very rapidly.

The origins and roots of this concept can be traced back to the paper issued by the Joint Doctrine and Concepts Centre, UK, "Strategic Trends. Methodology, Key Findings and Shocks" (March 2003), where can be found a definition for strategic shock. Thus, a shock is "a high impact, low probability event. An example of a shock is: global collapse of financial system undermines confidence in capitalism". Other sources in which we may find conceptual interpretation of strategic shock can be found in the works of Sam J Tangredi, "All Possible Wars? Toward a Consensus View of the Future Security Environment, 2001–2025"[2], where, in his predictions for the future wars and possible scenarios, he uses a similar concept, naming the events that cannot be fully anticipated „wild cards". There are also valuable scientific insights on this concept in different works such as: The US OSD Project "Strategic Trends and Shocks", (2007); iKnow Project Consortium[3].

Under the less predictable evolution and conditions of the current and future security environment, due to many factors belonging, on one hand, to the balance of power dynamics at regional or global level and, on the other hand, to globalization in its many aspects (political, military, economic, cultural, social, etc.), conventional thinking in terms of security and defence will not result in an adequate, timely and effective response to new threats, risks and vulnerabilities arising from dynamic events that characterize the beginning of the century.

The strategic impact caused by the dynamics of the evolution of international relations, use of force in promoting the interests of both state and non-state actors pave the way for a disruptive potential,

* Colonel Stan ANTON, PhD, lecturer, is the director of the Centre for Defence and Security Strategic Studies (CDSSS) within "Carol I" National Defence University, Bucharest, Romania. E-mail: anton.stan@unap.ro

which will require an increased interest in early identification of conditions and destabilizing effects that can lead to their characterization as strategic shocks.

Strategic shocks, through their strategic impact and their alleged violent potential, of multidisciplinary character, both military and non-military, will require increased attention from the political and military decision makers as well as a firm use of civilian and military capabilities available to a State within the response and reaction to those conditions that can produce or induce such an effect.

Future strategic shocks of direct relevance to defence realm will cause a change not only in perceptions of threats and vulnerabilities, but also on the strategic reaction to them. Their physiognomy or design, the overall character, which still cannot be fully predicted at present, force the whole system of national defence to a reorientation and reinterpretation of the conceptual paradigms that have dominated military thinking from Clausewitz onwards, institutional restructuring (not so much in the military related matters but in the defence and national security issues), the use of defence capabilities in ways that were not expected or anticipated and preparing to face challenges that differ fundamentally from those which were usually taken in strategic calculus and military thinking.

Nathan Freier[4] considers that from the whole range of future strategic shocks, the most likely, and most dangerous at the same time, will be those of unconventional nature. These shocks will not rise from the overwhelming technological capabilities and advances of the opponents, but will manifest in ways and means that will exceed conventional military thinking. Most will have non-military origins and character and will be events pertaining to military field of manifestation of the contradictions between states or between political and interest groups acting within the state. Their origin is likely to lie in irregular threats, catastrophic or hybrid of "purpose" (their appearance from a hostile intent or action) or threats of "context" (occurring in the absence of purpose or hostile action)[5]. Of the two, Nathan Freier considers that threat of context is the least understood and, therefore, the most dangerous.

To prevent future strategic surprise and strategic shocks, strategists, both theorists and practitioners must constantly seek to "scan" of the strategic horizon in order to be prepared to meet the challenges and needs in response to the occurrence of events which may be considered strategic shocks. Strategic shocks are events that will lead to a fundamental shift in strategy, defence forces missions and even strategic investment categories. In doing so, the Foresight and Horizon Scanning (FHS) is a methodological framework to support the exploration and possible implications of the occurrence of different catastrophic events, as those presented in European Commission iKNOW National Studies – a paper of the EU iKnow Project Consortium issued in 2011. Horizon Scanning (HS) is a structured and continuous activity aimed to "monitor, analyse and position" (MAP) "frontier issues" that are relevant for policy, research and strategic agendas, the types of issues mapped by HS including new or emerging trends, policies, practices, stakeholders, services, products, technologies, behaviours, attitudes, "surprises" (Wild Cards) and "seeds of change" (Weak Signals).[6]

Throughout the paper, we will try to provide answers to questions such as what are strategic shocks or what types of shocks will have a profound impact on policy and decision making in defence and security field, as well as to examine the influence of the strategic shocks on the defence institutions and to offer an exploratory analysis of the major events which can induce such effects. It is well understood and generally recognized that the strategic context of the future operating environment will be configured by the manifestation or appearance of factors such as the maintenance of a state of insecurity and uncertainty marked by strategic shocks.

The strategic shock can be defined as an event, normally very unlikely or likely to occur at frequency intervals extremely unpredictable and producing major strategic discontinuities in societies' development.

Examples of such events that may be perceived as strategic shocks are the destruction of the Minoan civilization of Crete following the eruption of the Greek island of Santorini in 1450 BC, the impact of the black plague in Europe XIV century, or, the attacks on the United States of America on September 11, 2001.[7]

The definition of the strategic shock proposed in the project "Strategic Trends and Shocks" of

the US OSD in 2007, specifies that this is an event which interrupts the development of a trend, a discontinuity that is rapidly accelerating pace or significantly alter its course, and, in this sense, undermines the assumptions on which current policies are built, and, by their nature, shocks are disruptive and can change the way we think about security and the role of the armed forces.

With this starting point, in 2008, Nathan Freier, professor of Strategy, Policy and Risk Analysis at the U.S. Army Peacekeeping and Stability Operations Institute released a paper in which discusses and analyzes the concept of strategic shock, the role and its usefulness in the development of the national security strategies. Prof. Freier brings a unique interpretation of the operational environment of the security operational environment while achieving a conceptual framework of the formulation of security strategies. This framework needs to have a comprehensive character of the data analysis and strategic prediction in so that nations are not surprised by the violence, the unpredictable nature and dramatic effects on systemic order that a catastrophic event, whether natural or induced by human action, might have on countries and populations at regional or even global level, the first responsibility of any government remaining that of ensuring state security. In his vision, the security and defence policies constitute the tools to protect national interests, citizens and social and economic development of any nation.

1. The strategic shock

The definition of the term *shock* in Romanian Explanatory Dictionary (DEX) has different connotations, none of applicability and with specific denotation in the field of security and defence[8]. The exception is the reference to military units designed to produce a shock effect when they mount offensive operations. When referring to Cambridge Dictionary, there are relatively wider connotations covering an area which may include, by extension, both physical and emotional effect on a system as well as shock-induced effects of a dramatic event that can occur in national security and defence[9].

As noted, many aspects of the content of these two definitions are missing from the definitions proposed by either the British in 2003 or the Americans in 2007. Hence, the partial confusion stemming from the tendency to equate strategic

shock and strategic surprise. In our assessment, these two concepts are not mutually exclusive but rather complementary, covering different areas of action in the field of security and defence.

The combination given by the existing global situation in geopolitical terms, by globalization in general, or by the movement of persons and the large use of information systems in all areas of social life, is a fertile ground for creating the conditions to achieve strategic shocks.

From a recent historical perspective, we can say that, since 2001, we have witnessed three strategic shocks. The first is, obviously, September 11, 2001, which prompted us to look at the entire global security landscape in a completely different way. The second was the financial collapse of 2008, which led to a very different relationship between government debt and real economy. The third, is still ongoing at present, and is the consequences of the movement known as the "Arab Spring", began in 2011.

Before September 11, 2001, history provides numerous examples of states shattered, partially or completely, by unforeseen events. On first examination, this weakness seems to come from a number of key common factors. Strategic shock is closest to production when a number of conditions are met: achieving a critical mass of indicators and signals unidentified by analysts, most often led by stiff thought processes and conceptual fixism characterized by lack of mental preparation of the political and military authorities, and rigidity of the population or national organization. Combined, these conditions can lead to a state of near paralysis and unresponsiveness when a catastrophic event occurs.

The first two strategic shocks of the new millennium, the effects induced, have totally transformed the strategic environment and operational security, and, the financial crisis has changed the assumptions on which was built the global financial system, causing a reassessment of the role of the state in economics and finance, as well as changing the fundamentals of international economic cooperation.

The first strategic impact of the second decade of the 21st century, the actions that led to the "Arab Spring" triggered a typical reaction of cascade effects that are still ongoing. Regarding the assessment that "Arab spring" is an event with geostrategic impact, the analysis points to the conclusion that it has become a trigger of some dra-

matic events, some ongoing, such as the situation in Syria, winning elections in Egypt the Muslim Brotherhood, and others in their "infancy" – see Mali; all these are elements that may, in turn, influence the further evolution of the situation in the Middle East and Near East, and partially the global security situation. In the same rationale, we assess that for Western states, an impact event as Iran obtaining nuclear weapons will force a reassessment of the Western position vis-à-vis that country, which, in this way, would turn from a regional pivotal player into one with global influence.

A "strategic shock" is what you might call an event that takes place in the world, which through induced effects, requires us to think very differently about the way we live or how we approach the socio-economic development of a nation.

The increasing complexity of our world and the fact that we must be responsibly aware of the transformation of today society require us to constantly rethink how we conduct our actions as individuals and society as a whole. Circumstances in which we live today, in a globalized world, are such that something happening in one part of the world instantly has echoes reverberating around the world, the virtual world being as important as the reality of social action of people and states. Today, we live in a political system in which international and national non-state actors are as important as state actors. It is from this relationship, which sometimes can become confrontational, disputes and differences arising, technological leaps, philosophical, ideological and cultural disputes is likely to cause major effects on the behaviour of individuals, communities and at state or business level as well. Due to the change of paradigms in various fields, mainly induced by the information society, the struggle between modernity and traditional or other elements that are based less on social and technological development and more on revolution is likely to become major sources of future strategic shocks.

The evolution of events that can induce the creation of potentially catastrophic effects that may contribute to a strategic shock contains a series of phases that, in their conduct, indicate how an event or action turns into a strategic shock.

Thus, in *Phase I*, called *strategic evolution*, we see an increase in conditions that can induce changes in the system, which are more or less visible or perceived by those involved; at this stage,

however, developments are not deviations from rules and do not require the application of self-correcting mechanisms within the system. In case evolution is continuous, an event can turn during the *phase II* – called *strategic development*, in a strategic slippage or drift which in some conditions induces a state of surprise. In this stage, it is mandatory the use of self-correcting mechanisms to stop moving towards the development of an event or action in a disaster. If the trend is continuing, then we can get into *phase III – strategic shock*, a situation that describes the conditions for achieving strategic shock. Furthermore, in *phase IV – systemic transformation* or *collapse*, depending on the effectiveness of the mechanisms of systemic adaptation, there may be achieved a new stage of systemic evolution namely *systemic transformation*, allowing efficient response to stimuli that generated the transition to a new system, or, the other option, if the system is not able to cope with the effects of the strategic shock, it may plunge into collapse.

It is difficult to define strategic shocks other than in phenomenological terms, as strategic shocks are, by their nature, unexpected and unpredictable. Since they are unpredictable, these shocks cannot be limited to one definition; if we could precisely define the parameters of a strategic shock, we would be much closer to the estimate or their prediction, and if we could predict them, these events would not have a significant impact. However, even if we cannot define in detail the strategic shocks, some analysts[10] have noted that strategic shocks sometimes occur in some models and a model of strategic shock is the so-called *revolutionary wave*. Thus, J.N. Nielsen believes that movements in the countries of North Africa have been subjected to this model, Tunisia being the epicentre of this movement, which has spread like a tsunami wave, with effects still affecting the regional security in North Africa and the Middle East. Strategic shock gives rise to shock waves, shock waves acting against these fragile regimes, putting pressure on them, forcing them to react, more often under time pressure and that from the international community, leading eventually to the fall or collapse of the country, as it was demonstrated in Tunisia, Egypt and Libya, and as it may, most probably, be the case for Syria.

All events that may occur and contribute to the production of shocks are the result of dynamic

actions in different areas, among the most important being those from the political and military realms.

Some time ago, nobody would have thought that the democratization movement started in North Africa would be possible. Furthermore, who would have thought, two years ago, that authoritarian regimes will fall in Egypt or Libya and that, currently, an extremely bloody civil war is underway in Syria. These events were a strategic shock that the world witnessed, and, in terms of magnitude, at least as dramatic as the collapse of the Soviet Union. Soviet Union was characterized by Vladimir Putin as the geopolitical catastrophe of the 20th century. However, if we refer to the fall of the Tsarist Empire and the coming to power of the Bolsheviks, that event had a real strategic impact with global repercussions, while the fall of the USSR can be seen, in this logic, at most a strategic surprise, being essentially a return to normality.

A strategic impact shock depends largely on the context in which it appears. Consequences can also be manifested immediately, as in the case of an attack on national territory or have a long term impact, effects occurring in cascade, in a dynamic that can not be assumed or anticipated.

In general, rigorously analyzed strategic shocks, until a few years ago, were not included in the programmatic documents regulating national security and defence.

This is true also for Romania, which in the documents governing the national security and defence, in the last 20 years, there has never been included the eventuality of a strategic shock which, by its consequences, endangers the existence of the state or the nation. Instead, these documents recognize and describe some vulnerabilities, risks and threats that may affect the country's social and economic development and national security, in general. Too often in these documents, strategic conceptual concreteness was hidden or disguised behind generality terms and phrases. In this regard, I appreciate that it is time to start an intense activity of prediction of the future, and probing its interdisciplinary character, considering the potential of strategic shocks, and thus to trace the main lines of force that must be followed in order to be able to act effectively and timely in order to reduce the impact of such events on state and population.

Only after the years 2007 - 2008, in countries like USA, UK, Netherlands and France were brought under the scrutiny of the strategic analysis the occurrence of strategic shocks and their presumable consequences. In general, all these countries have, in one form or another, policies, strategies, predictions and analyses which includes as major disturbance factors of development and state security the strategic shocks.

2. The strategic surprise

Surprising the opponent, a basic principle in military action, is considered one of the principles by which the chances of success in achieving strategic goals are enhanced by the effects of cognitive paralysis or the effects induced by unexpected actions, anticipated too late by the opponent and rapidly carried out. Surprise had a decisive role in achieving victory in all historical periods, "all great captains seeking to achieve surprise in both strategic manoeuver and on the battlefield"[11].

Some military theorists state that "while the rapid emergence of new surveillance and communications technology increases the difficulty of disguising large troop movements, the principle of surprise is not that the enemy must be taken completely by surprise, is enough to become aware too late to react effectively. In general, it is also considered that surprise may be in rhythm, force size, direction or location of main effort and unexpected onset of actions, and the factors contributing to surprise include: fast and efficient reconnaissance, enemy deception, and application of unexpected blows, security actions and change tactics and methods of action"[12]. The effects, both moral and material, of the military actions undertaken by surprise impose new and unexpected methods and procedures to determine the opponent to lose the initiative and act in a reactive manner to induced events.

Generally accepted by the academic community is the idea that, at strategic level, the surprise can not be achieved as easily as operational and tactical surprise. However, this is not impossible, especially if this principle is applied in a highly creative manner, to take risks, misinform the opponent and, to use a thorough analysis of the factors that contribute to this effect.

There are authors who assert that under current conditions, it is difficult to establish methods and procedures that are new and unexpected for the

enemy, and valid for any situation. Nevertheless, many of them used in the past to achieve surprise shall be able to be applied in the future as well to specific conditions that may occur on the battlefield[13]; still, the most efficient methods and procedures will emerge out of new sources, as the experience of the last conflicts shows, the knowledge and operational thinking acquired by the planners and commanders, the use of flexible structures, mobile and well trained in the use of forms of action and fighting means unknown by the enemy in order not only to create surprise, but also to prevent it.

From another perspective, there are authors who believe that, at strategic level, surprise is dependent on geopolitical context[14]. At this level of political and military action, technological surprise is unlikely, the strategic action having a strong technological dimension, however, it is not the product or expression of technology. Also, strategic surprise can be achieved at this level by political and strategic decisions that reflect certain circumstances or geopolitical status, in pursuit of a geopolitical effect[15].

In the analysis of the surprise factor, in addition to assessing the possibility of achieving surprise, a very important aspect is to anticipate in a realistic manner the effects or consequences caused by this condition. Usually, we tend to think that achieving surprise belongs to the party that has the initiative, more often associated with an offensive posture. However, the defender still has mechanisms that can induce surprise effect on the opponent and it is up to the defender to identify appropriate tactics, techniques and procedures that can contribute to, say, *surprise consequences or effects management*. As Colin S. Gray stated, "the problem is not surprise … rather the problem is the effects of surprise[16].

3. Conceptual differences and similarities between strategic surprise and strategic shock

In regard to defence and security, Nathan Freier suggests that between strategic surprise and strategic shock there are not major differences, stating that, scientifically, there is no point or line of separation (break point) between strategic shock and strategic surprise[17]; however, he found that the limit of separation of the two is a function of strategic impact event, the extent of disruption caused to the system, and the degree to which

the anticipated appearance of shocks have been formulated in strategies and strategic planning. Hence the "shock" and "surprise" are not necessarily synonymous[18], although, semantically, they have similar connotations. They are distinct from other unexpected events of strategic importance because they are not anticipated, and, as such, are inadequately or even not considered in security and military strategies, their occurrence triggering a strategic and major institutional disruption, affecting the functioning and viability of a system of national defence and security.

The strategic shock differs from surprise effect not only in terms of magnitude and probability of occurrence, but also in terms of adaptation of the system to a new reality. In the aftermath of a strategic shock, it is likely that a system face a lack of reaction materialized in what is commonly known as strategic paralysis. Only then a system reacts, by using its internal mechanisms, to diminish the extent of the exogenous influence, to adapt and to adjust to the new reality. In contrast, the surprise effect induced to a system by an external event is more manageable; the events are, to a certain extent, foreseen and might be covered and dealt with in different contingency plans.

Taking into account the conditions that may lead to the aggregated strategic shock – the likelihood of strategic shock effect and impact –, we can identify and detect, as we illustrated in Figure no. 1, the types of shocks that may occur in the field of manifestation of the military action, as well as the surprise factor, elements that are interconnected, having as the limit of differentiation the probability of occurrence of disrupting events, or, as Nathan Freier considers, the level of anticipation.

Based on these assumptions, in describing the shock and surprise concepts, we can use the formula:

$$S = P \times I, \quad (1)$$

where S signifies the category of shock or surprise, P is the probability of an action that can create the conditions necessary to achieve an effect of shock or surprise and I is the impact of the event.

But what else could make a clearer difference between shock and surprise? Could it be, as proposed by Helene Lavoix in *Looking out for Future Shocks*, the emotional factor[19]? Can the emotional factor trigger major behavioural anomalies at institutional and organizational
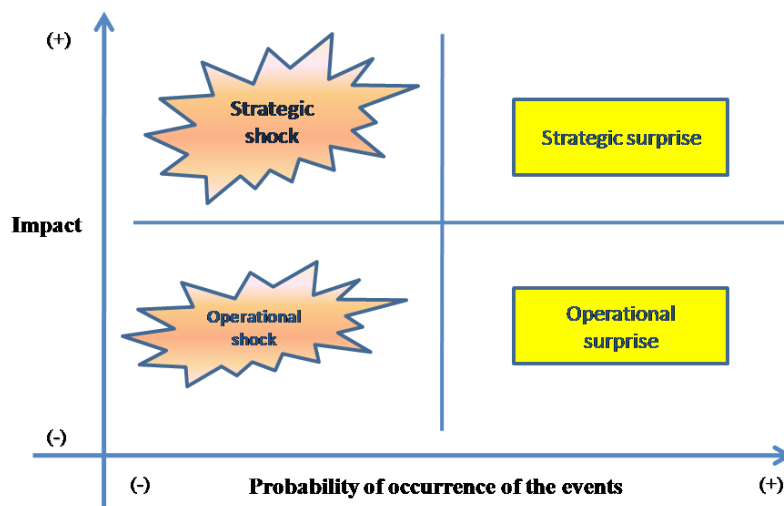
Figure no. 1. Impact – probability relation in determining the shock and surprise

levels? Or is the effect on cognition and decision making of the perceived threat so important, that can impact, resolutely, on the decisions needed to face the unexpected? These are questions which may have an affirmative answer.

Including emotional factor of the policy makers and public perceptions into the equation helps us better appreciate the difference between shock and surprise; this element is likely to be measured sociologically, helping in making a better distinction between the two concepts.

Thus, equation (1) may be supplemented by a qualitative factor that would help us more in the differentiation of these two effects, aimed to be achieved by confronting enemies, this being, as mentioned above, the emotional factor.

Consequently, the equation would become

$$S = P \ x \ I \ x \ E, \ (2)$$

in which E signifies the emotional factor.

Of course, an important aspect in determining the achievement of conditions that describe a state of shock or strategic surprise is the way in which the emotional factor can be quantified. For this purpose, different techniques can be used, the simplest being to establish a scale of emotional shock (in the population, the military, the political and administrative decision-makers, etc.). This may indicate various levels of emotional impact, different measurement techniques and sociological tools being used to measure it.

Another element that can help to distinguish between these concepts, especially when we relate to national security and defence issues is how an event affects the survivability of a State or a po-

litical or military-political entity undergo a catastrophic or dramatic event. If the event itself does not weigh existence and survival of the state or entity, it is more likely that event, on the scale of impact, represents only an effect of surprise. In contrast, if functioning of the state or people survival is at stake, then, surely, we face a strategic shock.

Furthermore, in assessing what makes the difference between shock and surprise, we consider that very relevant is also the level of uncertainty. Any strategy, by definition, is forward-looking and future is inherently uncertain. No matter how committed we are to be completely prepared for a situation, there are limitations to the ability of those responsible for designing and implementing future strategies; it is being recognized as an axiom that the more certain, predictable and predictably the future is, the easier it is to answer challenges in the operational realm. Uncertainty increases with the time horizon covered by the strategy and the frequency of changes in the security situation. To be effective, any strategy will try to anticipate and actively influence events by means of forecasting the future; only then policymakers, commanders and staffs are being able to prepare and coordinate political and military actions in order to mitigate the risks and diminish the chances of facing strategic shocks or surprise.

4. Taxonomy of strategic shocks

In building any types of conceptual categories, it is difficult to establish criteria for the classification and systematization, especially in the field of

security analysis, given early conceptualization of strategic shock, a term characterized by a complex and diverse connotations. However, in this work, we try to give a perspective in understanding the strategic impact categories, taking into consideration various criteria which limit the types of strategic shock, reviewing possible sources of their birth.

Criteria for classification of strategic shocks

In establishing criteria for classification of strategic shocks, we should not forget that they are deducted, predicted or presumed based on certain trends of different nature (political, economic, military, cultural, social and so on). Strategic shocks must be understood in a broad perspective, preferably historical. Predictive ability and analysis of various structures responsible for monitoring the development trends and disturbances in various fields should be based on understanding the dynamics of events, opportunities and problems that contribute to a timely and effective response to the inevitable. We must say that, in terms of the probability of catastrophic events, they can be categorized into probable or likely events and inevitable events. The inevitable events usually occur without prior indices – major natural disasters such as earthquakes – in their case, the question that arises is not whether but when it will occur. As for likely events, the problem should be viewed in probabilistic terms, in this case being needed a determination of the likelihood of the events, as well as a setting of the time frame in which these events may take place.

Therefore, we propose that in wide strategic shock classification criteria, to be included:
- nature of shocks or natural physical status;
- environment;
- location and distance of propagation of the effects of actions or events;
- physical-geographical and spatial dimensions;
- information-cognitive component;
- chronological criteria – duration or persistence over time;
- scale and importance of the changes induced in a system.

Sources of strategic shocks

As for the category of sources that may induce strategic shocks, the following can be considered:

- *opponents* – the competitive and conflictual nature of relations in the field of manifestation of military action and security and their logical counter-reactions can cause such effects leading eventually to the occurrence of a strategic shock;
- *security environment* – there are still many political and military conflicts caused by claims on territories, border disputes, military competition, natural resources and cultural and ethnic differences, these tensions continuing to coexist and interact with the most unexpected results;
- *economic and financial environment* – can cause catastrophic effects through increased interdependence between complex systems, such as energy sources, transport network, food production and global internet-based network;
- *technological level* – technological gap can contribute to obtaining benefits or a state of inferiority, which, ultimately, in combination with other factors – industrial base, military, social, human, etc., can lead to the achievement of conditions that describe a strategic shock;
- *cyberspace* – is becoming more and more a platform for launching attacks with significant effects having the ability to paralyze the economy, communications, capital flows, navigation, safety at nuclear power plants etc;
- *natural physical environment* (catastrophic events including climate change);
- *political, military, cultural, religious entities* – globalization creates a new context of formal and informal exercise of national power. Regional and international institutions, governments and non-state actors, particularly large transnational corporations, some NGOs, religious groups, private security companies, etc. make use of the tools of globalization and reduce the state's monopoly on power.

In agreement with the possible sources of inducing strategic shocks and their classification criteria identified above, we consider that the following list of *types of strategic shocks*, which is not intended to be exhaustive, can be a starting point for the analysis of strategic shocks likely to be borne by communities and nations in the near or more distant future of humanity:
- natural or artificial;
- positive or negative;
- conventional or unconventional;
- local, regional or global;
- internal or external to states;
- military and security;

- technological;
- conceptual;
- moral, cultural, religious or ideological;
- social;
- economic
- political;
- demographic.

Conclusions

The strategic context of the 21st century will be radically changed, compared with that of which we are witnessing. Its configuration will be determined and influenced not only by linear trends of evolution, but rather by events that will lead to non-linear dramatic changes and discontinuities in the evolution of different areas – geopolitical, social life or humanity development.

In the era of globalization, security threats are transnational events, making the issue of protecting territories and citizens a priority, however, the economic aspect becomes more predominant so that security policy stance of many states have changed and will change.

We consider that an analysis and evaluation of the most plausible shocks in defence and security field and their integration into security strategies, taking them into account in strategic planning, will give decision makers the opportunity to identify preventive measures and effective response to risks, threats and vulnerabilities that can contribute to the emergence of strategic shocks.

The strategic shocks generate cascading effects of multiple orders, resulting in changing the strategic context, transforming behaviour and the modus operandi of the actors.

As such, the strategic leaders, in their products – strategies of defence and security –, have a duty and responsibility to probe the future with professionalism and creative imagination to answer questions arising from the need for subject knowledge and understanding of strategic shocks.

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4 Nathan FREIER, *op.cit.*

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THE APPROACH TO THE "HUB AND SPOKES" CONCEPT IN THE ECONOMIC AND MILITARY FIELDS

Gheorghe MINCULETE, PhD*
Polixenia OLAR**

The research and applications conducted with regard to the "hub" networks abound in the economic and military fields. The use of one or more "hubs" within some distribution and supplying networks allows the consolidation of the flow of traffic for many types of problems raised by the goods and people transports. The applications of the "hub and spokes" concept include the transport of people, goods, information and energy. Research shows that the efficient use of "hubs" as points of transfer allows planners from the economic and military field to reduce the number of trips/operations and indirect connections for the minimization of the total costs and for a better use of the human, material, financial and informational resources.

Keywords: "hub and spokes"; „hub and spokes" network; „hub and spokes" system; „hub and spokes" model; „hub and spokes" logistic networks; „hub and spokes" military logistic operations; logistic support.

Introduction

In the conditions created by globalization and the revolution in information technology, the significance and role of associations and networks of the new economy have changed fundamentally, becoming more open, non spatial and informal, and the information flows within networks are achieved at greater speed, circulating through radial structures of the *hub and spokes*[1] type.

The "hub and spokes" distribution paradigm (the model or the network) is a system of connections displayed as the hub of a wagon, within which the connections are achieved along the *spokes* connected to the *hub* in the centre[2].

The "hub and spokes" model allows us to determine the best solutions that use mixed variables of decision making. The model includes multiple objectives which depend on the decisions of the decision maker and which include: the minimization of the distances between spokes and hubs, the maximization of capabilities of airlift, the maximization of the number of bases in order to sustain the costs in case of unfavourable weather, the maximization of human resources[3].

The "hub and spokes" systems raise specific problems included in the category of general problems raised by networks. The air companies, mail and delivery services, computer networks represent examples of the use of "hub and spokes" systems. In each case, the hubs serve as focal points for the collection of resources from several

* Colonel Gheorghe MINCULETE is PhD Professor at the Logistics, Finance and Accountability Department within "Carol I" National Defense University, Bucharest, Romania. E-mail: minculetegh@yahoo.com
** Polixenia OLAR is teaching assistant at the Foreign Languages Department within "Carol I" National Defense University and is PhD student with the same institution, Bucharest, Romania. E-mail: lisiolar@yahoo.com
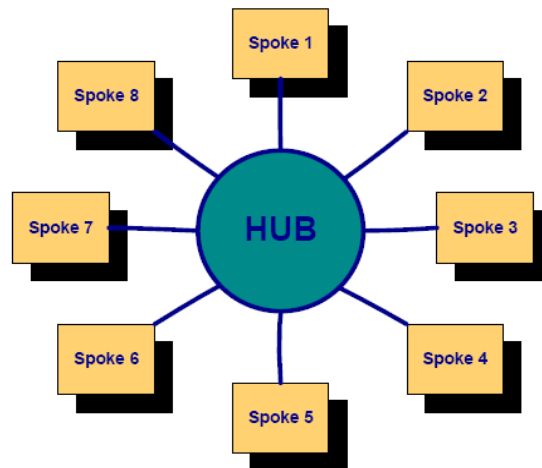
Figure no. 1. The "hub and spokes" model[5]

places and redistribute them from the hub to their places of destination. Nevertheless, another characteristic that all the mentioned networks have is the interconnectivity of all the hubs. For this reason, a clearer model for these examples from the real world could be a minimum ramification under the form of a tree[4]. Another typical example of the tree shaped network is the road transport network of a large country but with a narrow littoral where all the important cities and the majority of the economic activities of that country are concentrated. A general model of this concept is presented in Figure no. 1.

1. Implications of the "hub and spokes" concept in business

The "hub and spokes" concept represents a metaphor that resembles the system of a parent organization with the hub of a wheel that moves forward together with the system of the subsidiary organizations, which represent the spokes. Thus, it results that the economic-parent organization and its subsidiaries have common needs and, as a consequence, their systems must function together.

Normally, an *organization* ("*hub*") establishes and maintains the network in the field where it functions offering the infrastructure for services (financial, industrial, logistic, medical, educational, transportation etc.) to the *subsidiary structures* ("*spokes*"), at local, regional, national and global level, performing as the key catalyst for the promotion and materialization of the opportunities for economic development[6] (Figure no. 2).

The interconnection within the "hub and spokes" system represents an important aspect due to the strong position occupied by the "owner" of the hub. Walmart company, the leader from the point of view of costs, uses a "hub and spokes" type network in order to distribute its products to the individual retailers.

The "hub and spokes" model is a system that makes transportation more efficient through the significant simplification of the network of routes. It is used extensively in both passenger and cargo

Figure no. 2. The relation between the parent organization and its subsidiaries[7]

Figure no. 3. The "hub and spokes" system in an airport[11]

commercial air services, and the model was also adopted in the technological sector. Delta Airlines introduced the model for the first time in 1955, but it extended only in the 70s, when FedEx used it, thus revolutionizing the way in which air companies were run[8].

Thus, the passenger air companies are the most common examples when it comes to speak about the "hub and spoke" activities type and many of these companies successfully use this concept. The "hub and spokes" strategy envisages the passengers travelling between departing points and destinations for which the level of traffic is not sufficient for frequent direct flights. The operations through "hubs" allow air companies to serve smaller markets in conditions of profitability.

The international commercial air transport and the maritime transports (the ports) are organized according to the "hub and spokes" system. However, the competing "low cost" companies use a mesh type structure. In other words, the "hub and spokes" system is not necessarily the optimum solution for air transport in general. In fact, the optimum structure may change in time. A well documented example is that of the internet on the USA, which transformed from a linear system at the beginning of the '70s in a mesh type network beginning with the mid '70s and until the beginning of the '90s, and since then in a **"**hub and spokes" system due to the commercialization of the internet[9].

The air hubs developed beginning with 1987. At the end of the era of regular flights, air companies had to raise the airplane load in order to remain competitive. As companies increased, the number of passengers passing through the air hubs, their efficiency and profitability increased.

The term "hub and spokes" in air transports describes a common method for the organization of flights in an air company. Air companies have "hubs" in a few cities from which most flights depart, with "spokes" leading to the cities of destination, "non-hub" cities (Figure no. 3). When flying from one city to another, there will typically
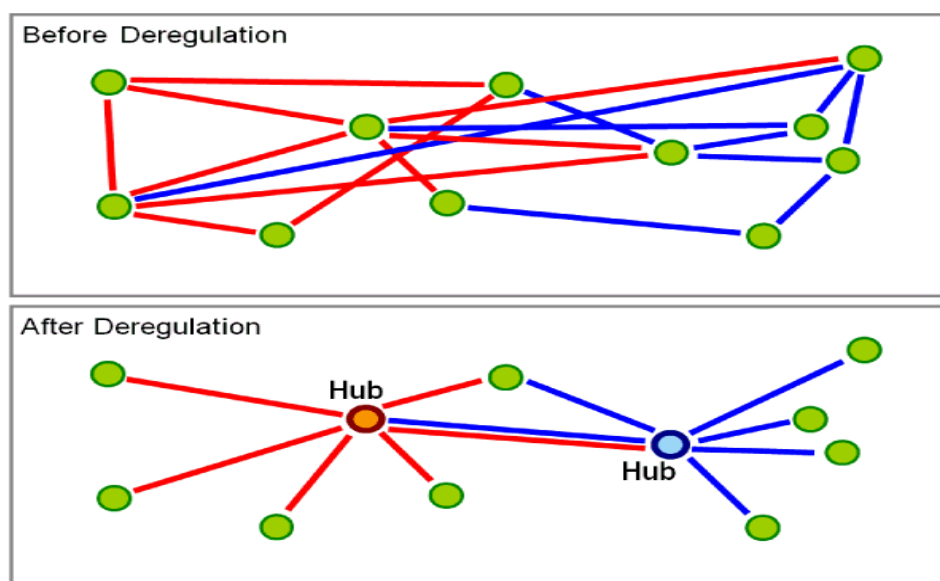
Figure no. 4. System "from one point to another" vs. "hub and spokes" system [13]
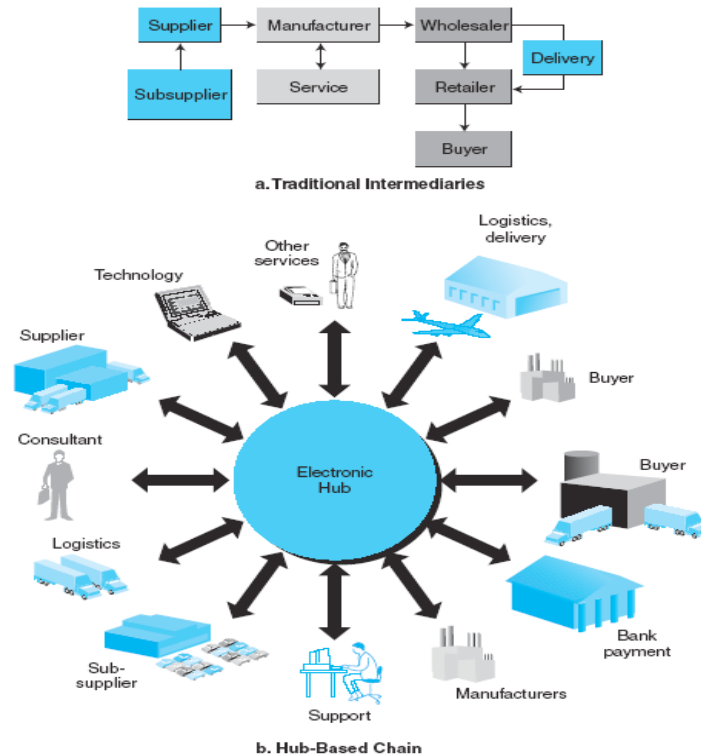
Figure no. 5. "Hub and spokes" system in supply chain management[19]

be a connection from one of the "hub" cities of the company. This system can also be implemented for other forms of transit, as well as in the transport of cargo[10].

In USA, the "hub and spokes" system was developed following the deregulation of air companies. Before the implementation of this system, companies operated flights from one point to another, which was not costly efficient. From a conceptual perspective, the "hub and spokes" system was meant to concentrate traffic to one main airport ("hub") from smaller airports (known as "spokes") or through other methods of transport, and the resulting group of passengers was to be transported from one airport ("hub") to another[12].

In Figure no. 4 we compare the way of functioning of the "hub and spokes" system with the system from one point to another.

By developing this system, a more integrated system of travelling was offered to passengers, in which passengers originating from smaller areas could make transits to a larger airport, of the hub type, from where flights toward many other destinations were possible. In the "point-to-point" system, passengers could travel to small cities by other means, while the **"**hub and spokes" system increases the possibility to couple cities from and

to which they can fly. However, at the same time, the frequency of flights from and to small airports decreased as a result of the fact that the main air companies left this market in order to focus on more profitable routes[14].

Through the method of plane distribution the air companies designate some or more strategically situated cities as "hubs" for the larger airplanes that carry the majority of passengers and cargo by scheduled flights. The passengers and cargo are then shipped to their destinations by smaller airplanes belonging to the same company or to other smaller ones on the basis of a "code sharing" arrangement[15].

The hub-and-spokes system initially brought main functional advantages to the air companies:

- it ensured that connecting flights belonged to the same company;

- it focused on services offered in large cities;

- the planes arrived at predictable intervals, in general easing the work of airport personnel and traffic controllers[16].

The transfer of traffic through a "hub" airport allows companies to operate more efficiently and to control cost at the same time. The "hub" is the central point from where the daily activities of the company can be coordinated. Keeping operations
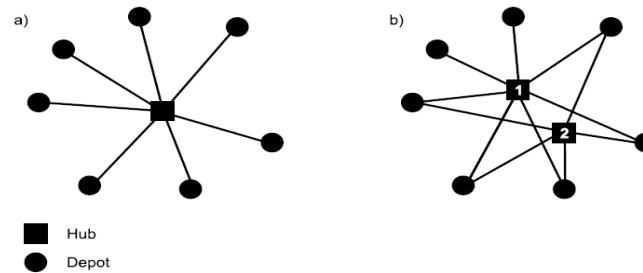
*Figure no. 6. The simple allocation (left) and multiple allocation (right) of depots
at central points in a "hub and spokes" network* [21]

in a central place leads to the downsizing of personnel and necessary logistics. The "hub and spokes" system increases the degree of airplane usage and passenger load[17].

However, some disadvantages have appeared because of some environment factors. Besides the mentioned advantages, the "hub and spokes" system also hides some risks for companies and airports: crowdedness and delays in "hub" airports; discontinuous use of airport facilities; dependency on airports[18].

The "hub and spokes" system has proved viable in time for commercial aviation. People accepted the system as the most rational way to organize people, goods and planes, the same in which they accept the corporation as the best way to organize the production of goods and services.

2. The "hub and spokes" logistic networks and related issues

The **"**hub and spokes" logistic networks diminish discrepancies between possible conflicting requirements for reduced costs for shipment, speed of delivery and small loads. However, the composition of "hub and spokes" systems still has problems that need to be solved.

Organizations need to reduce the number of suppliers for each category of goods and services. Furthermore, many firms were forced to outsource part of their activities. The results of this tendency are very interesting, because we will have to deal with multiple suppliers who will offer goods and services critical to a central organization. This will lead to a "hub and spokes" organization, in which one or two suppliers from each category of goods and services are the spokes, and the purchasing organization becomes the hub. This organizational architecture has an analogue in the computer assisted local networks and logistic systems. It

would be fascinating to use the methodology of networks for the study of the organizational design of the "hub and spokes" type.

There is an impact of the "hub and spokes" system on the processes and organizations in the field of business as it is shown in Figure no. 5.

The concentration of economic logistic is based mainly in "hub and spokes" structures, whose logistic centres (hubs) are the heart of the physical distribution systems.

A logistic network of the "hub and spokes" type consists of wheels/hubs that carry out specific operations. As a consequence, we must consider the fact that the transfer between the *hub* and the *spokes* can be ideally implemented for products that enjoy a stable and steady demand and low depositing costs on the market of reference.

Within the demand-offer processes on the market, the intermediaries reduce the costs of transactions for buyers and sellers through the creation of networks. The intermediaries produce network economies by replacing the costs of direct seller – buyer transactions with contacts of the "hub and spokes" type. In contrast, when many buyers and sellers must interact directly, they are faced with high costs for searching and exchanging information (Figure no. 6)[20].

Imagine the customers of a regular shop contacting all the producers and distributors that supply the shop to obtain information on products and prices.

We can easily notice that the process is less profitable and at the same time less efficient. Thus, by creating networks of suppliers, the shop takes many of these transaction costs, carrying out this activity more efficiently than the customers could individually. The shop offers information on prices and products through posters and displays. The shop interacts with each of its suppliers on behalf of its customers[22]. The comparison between an
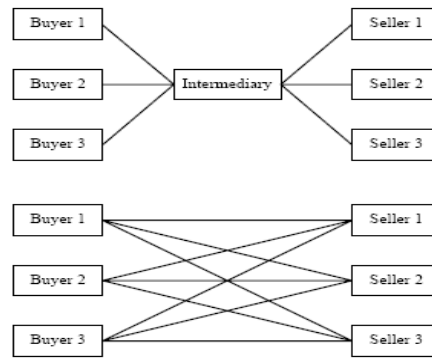
Figure no. 7. Intermediary network vs. direct change[23]

intermediary network and the direct exchange is represented in Figure no. 7.

Federal Express, UPS, Norfolk Southern and Yellow Freight successfully implemented the "hub and spokes" distribution to obtain a logistical advantage. They discovered that this method of distribution reduces transportation costs, the duration of cycles and the necessary means. These firms and many other companies realize that significant reductions in costs can result from the improvement of the distribution processes[24].

A "hub and spokes" network is a centralized and integrated logistic system created to keep reduced costs. The distribution centres of this type receive products from various sources; they re-arrange them and send them directly to destination.

Studies showed that logistic costs represent between 10 and 35 per cent of the gross income of companies. At the same time, it is important to mention that 60 per cent of these costs are destined to shipment of goods[25]. A study conducted by the PRTM consultancy firm shows that the companies considered competitive in the distribution of goods enjoyed a cost of the distribution chain reduced by 45 % compared to the average cost of the competitors[26] .

The results coming out of the business processes demonstrate that Walmart is a leader in the field of the functioning of the distribution chain. Thus, the network of centres of distribution of the company and its expertise in the logistic field is a key point of the advantage that it enjoys[27]. A new player that realizes the importance of this advantage is Lowe's Home Improvement Warehouse. Lowe's adopted the concept of the "hub and spokes" model of distribution, allowing the company to occupy an important segment of the market for house and garden. Analysts state that the strategy based on centres of distribution adopted by Lowe's allowed the company to obtain an important competitive advantage[28].

3. The "hub and spokes" concept in the military field

The "hub and spokes" military logistic operations can be compared with similar operations carried out by air companies and their storage operations.

In the Military Dictionary of the US Department of Defence, the "hub and spokes" distribution is described as a physical system of distribution modelled according to the standards in this field in order to offer a management of transports to a theatre of operations. It is based on a "hub" that moves loads toward and between several "spokes". This systemic model is created to increase the efficiency of transports and the visibility during transit and to reduce the time of distribution[29]. Thus, the "hub and spokes" concept is related to an organization that sorts and distributes goods from military and civilian gross supplying sources (by air, sea or land) to or from the theatre of operations.

The United States of America Air Forces introduced a new paradigm of deployment programming, named the Air Expeditionary Force (AEF), with the intention to make deployments more predictable and for a better distribution of tasks. The current practice of deployment management is a *statu quo*, continuing to function under the restrictions of the AEF policy. To this end it is necessary to develop an alternative deployment paradigm which will offer a greater flexibility between national bases and the deployment locations using the "hub and spokes" networks[30] .

Figure no. 8. The stages of transport in a "hub and spokes" network[34]

The mentioned paradigm requires the use of the "hub and spokes" model that establishes a base as focal point for consolidated coordination, training, equipment, transport and for other problems related to mobility. At the same time, the paradigm uses a fixed command that allows managers to adjust the periods of deployment in order to satisfy the individual needs of the personnel[31].

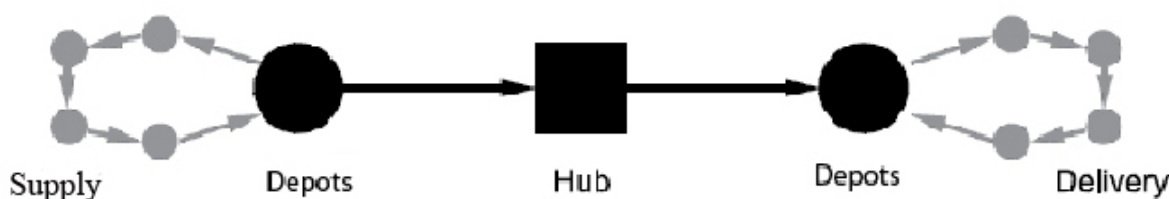According to the logistics theory and practice, a similar concept is represented by the *operations of transfer between depots*. This already mentioned concept is a depot management strategy that implies the movement of materials directly from the reception depot to the distribution one at a minimum difference of time. Similar to mixed commercial depots, at an operational military depot ("hub" type), shipments arrive from several distributors ("spokes"); they are unloaded and then reloaded in order to form several transports with several products each for the depots of the military clients/beneficiaries ("spokes"). Within the transfer system between depots, the key to success is the concept of the speed of transport. By keeping the time between transports to a minimum it is intended to beneficiate from the low costs of grand scale transports by minimizing spending with the total time of transport and the costs with handling of goods. The transfer between depots offers reduced costs of transport while it serves customers and reduces the duration of the delivery cycle improving the flexibility and degree of response of the distribution network[32].

According to specialists in logistics, typically, the processes of delivery in a "hub and spokes" network follow this succession, as it is presented in Figure no. 8. One can notice the fact that the depots collect goods in various forms from the customers, then they transport them from depots to the central depot where they realise the distribution of the received goods and they transport them from the central depot to the depots of destination and to the beneficiaries in that area[33].

From another point of view, the goods processed through "hubs" offer to the same extent more storage space and efficient networks. The "hub" is similar with the freight terminals. In their case, goods are shipped over great distances in large lorries loaded at maximum capacity for efficient costs. Closer to destination, transports are re-distributed in lorries loaded at more reduced capacities in order to cover shorter distances to individual destinations[35].

Another operational aspect resulting from this arrangement is the need for a transport capacity enough to carry out this stage: a sufficient number of vehicles must be present at the central point at a certain time in order to carry out the stage of transport to the depots. If necessary, supplementary vehicles can be summoned (normally from the depot of destination) in order to deal with the work load programmed for that specific period of time.

Once the delivered goods are at the disposal of the depot of destination, the shipment to beneficiaries is carried out. The way it is carried out is down to each depot; thus, a tour of delivery can be combined with one of collection in order to improve vehicle usage or to gain time.

According to the opinion of the American specialists, a "hub and spokes" network can also serve as a way to develop the regions, emphasizing a more simple potential to introduce active forces from the local guard or from the reserve in the equation of mobility. In the circumstances of non-mobility, the "hub and spokes" model allows for the construction of networks between active, guard and reserve units, which could help to reach agreements of mutual aid for a better response in case of events such as natural disasters or terrorism[36].

For American Naval Forces, the importance of expeditionary powers as flexible, measurable and responsive is emphasized in Figure no. 9. The same figure presents the diagram / tree of routine operations (RO) with branches that are either hubs or spokes. The presented transition phase shows the way in which we pass from routine operations to
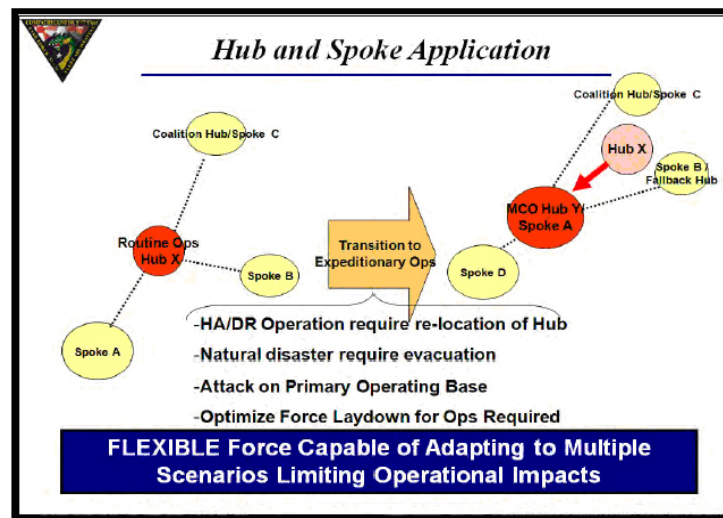
Figure no. 9. The hub and spokes option in the field of American Naval Forces[38]

major combat operations (MCO). Within the MCO diagram / tree there are relations / branches similar to those of routine operations (RO), but at the same time we see that the hub of the coalition/the spoke C is designed to support coalition operations. The hub left behind is designed to become operational in less than 72 hours, in the case when a regular hub or a regular spoke are destroyed; it is also designed to be focused again on humanitarian support or disaster relief missions[37].

For American Naval Expeditionary Forces, the hub and spokes concept has as its purpose the differentiation between a mobile hub (primary) and the spokes (expeditionary) involved which are expected to be operational in less then 72 hours, from their positioning in the area of responsibility. A hub is a centre that provides operations, logistics, maintenance and data analysis in the case of current military actions, while the expeditionary spokes offer forces and that can be deployed to remote areas[39]. The general concept allows reconnaissance and surveillance operations of the theatre of operations without the need for a permanently built[40] (Figure no. 10). This image presents centres of operations as well as logistic, maintenance and data analysis centres[41].

According to these, Figure no. 11 shows the image of some spokes which provide advanced and high-readiness forces, spokes which are usually easy to be built up or moved / deployed during mobility operations.

The vision and responsibilities of a hub remain the same also in the case of the spokes (Figure no. 11). However, it is expected from them to conduct support operations while they also serve as mobile C2 hub for MPRF detachments (Maritime Patrol and Reconnaissance Force). Due to their small dimensions, the spokes have the flexibility to be relocated for multi-mission operations and this is achieved a lot easier than in the case of the hubs. A spoke is designed in such a way as to be a loop of communication between MPRA (Maritime Patrol and Reconnaissance Aircraft) and the fleet, providing guiding and warning electronic signals between them.

Thus, on the basis of the above, it results that the "hub and spokes" models are special cases, with common elements related to the general functioning of networks.

Examples of aspects / problems regarding the functioning of such networks include: transfer issues, in which resources have to be moved from point A to point B at minimum costs; issues related to the shortest way, when one item from a resource has to be moved from point A to point B at minimum costs and distance; and issues of transport and distribution, in which the principles of demand and supply must be observed in the process of minimization of costs[44].

American specialists emphasize that the main three components of a "hub and spokes" network are the hubs of supply, the hubs of transfer and the hubs of demand. According to the "balanced traffic" rules, various constraints are applied in each of these hubs. Having in mind that for this issue the total supply must be larger than or equal

Figure no. 10. Hubs created ad-hoc[42]

to the total demand, the following formula is applied at every hub in the network[45]:

$$Input – Output \geq Supply\ or\ Demand$$

This in essence means that in the hubs of supply, the outputs must be smaller than or equal to what is available. In the hubs of transfer, the input will be equal to the output, and in the hubs of demand, the input must be larger than or equal to the demand.

At the beginning of the Operation "Iraqi Freedom", the reception, provision and monitoring of supplies became one of the greatest challenges for the Theatre Distribution Centre, the Anaconda Logistic Support Base in Balad, Iraq and the logistic support activities in the entire theatre of operations[46].

The management of the internal or external supply mistakes, as well as the excess of equipment that required servicing at the Anaconda base threatened to annihilate the capacity of the logistic support activities of the operational structures. To this end, logisticians adopted the solution to develop and implement a "hub and spokes" system in order to provide a prompter delivery of parts, means and material to units and to reduce the losses caused by delivery errors. The "hub and spokes" operations conducted by the Anaconda Logistic Support Base represent a lesson learned for other logistic support zones and activities, regarding the way to approach / solve problems caused by delivery[47].

The "hub and spokes" system was created to relieve the logistic support activities at the Anaconda Logistic Support Base of the need for internal transport, by delivering all the materials to the logistic support zones set inside the base, within 24 hours, in order to ensure the delivery of materials to the external beneficiaries, through the distribution points, in order to be further distributed in the entire area of operations.

At the Anaconda Base, the "hub and spoke" system increased the productivity of the logistic supports zones, because the system assumed the mission of internal and external transports. At the

Figure no. 11. Spokes created ad-hoc [43]

same time, it ensured the delivery of the necessary materials to the logistic support zones and to other logistic support hubs in the theatre of operations. Eventually, the system reduced the number of losses during transport.

According to experts, if the theatre of operations is open and the initial logistic support plan does not answer adequately to the requirement of the beneficiating military structures, alternative measures are to be taken to support the supply and distribution activities. By using a "hub and spokes" system as an alternative measure, the support offered to the logistic support zones connected with Anaconda Logistic Support Base was improved, until the system of distribution in the theatre of operations became functional[48].

Conclusions

In the world of business, and not only, the "hub and spokes" strategic networks aim to raise the market quota of the sales and business of partners, being a reaction to the competition to gain access to global markets and the protect the position of local markets. To this end, the parties forming an alliance mutually benefit from offering by transfer of goods, services and customers.

The "hub and spokes" networks between suppliers and customers offer the most important source of innovation, playing an important role in the creation of added value in the logistic chain. Therefore, companies and communities use strategic "hub and spokes" networks to consolidate their competitive position, allowing companies to specialize in those fields in which the chain of value is essential to their competitive advantage.

Experts believe that managers must weigh the negative ramifications of the "hub and spokes" operations / transfer between depots in comparison with the use of space and the flexibility of the network. Because transports can no longer go in straight line to destination, the people or objects that enter a "hub and spokes" system will travel more. This will cause supplementary delays due to the handling and processing in the central points ("hubs"). Eventually, the time of delivery will increase due to the covering of several segments combined with the time of processing in the hubs. Due to the fact that the time spent in transit requires costs and that customers sustain the spending with the safety stockpiles in case of variable delivery times, the use of space and the flexibility of the network may not justify the supplementary spending.

Having in mind the importance of the "hub and spokes" networks in the field of military logistics during the operations in Iraq, it can be stated that the changes in the environment and process of distribution combined with the changes in the doctrine and structure of forces led to the new requirements in the process of command and control. Although the initial phase of operation "Enduring Freedom" was largely a linear battle with forces moved from the south to the north in order to secure Baghdad, once the sustainability phase began, the operations became more and more asymmetric. To this end, several "hub and spokes" distributions were set for the sustainability actions, focused on strategic logistic hubs with robust airfields and road networks[49].

The Romanian forces participating in the international operations take advantage of the facilities of the "hub-and-spokes" system created by the logistics support structures of the Alliance/ Coalition.

Specialists believe that leaders must examine the value in time of a product before making recourse to "hub and spokes" or transfer between depots solutions. The Doctrine of the United States Air Force draws the conclusion that the direct delivery is the method to be chosen for the timely and efficient delivery of passengers and goods[50]. However, the aforementioned efficiency requires increased costs regarding planning, flexibility and resources.

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MARITIME PIRACY – AN ISSUE OF LEGAL INCONSISTENCY TO SECURITY THREATS

Oana ADĂSCĂLIȚEI*

One of the most serious threats towards maritime security is represented by piracy. From a legal point of view, the main concern of the international community is represented by the fight against impunity in high sea. Starting from this point of view, the article aims at analyzing the international legal framework against piracy, stressing on the following aspects: universal jurisdiction; clearing up the ambiguities in defining piracy, as it is provided by the Law of the Sea Convention and similar provisions of other international bodies and state practice regarding the indictment of piracy.

Keywords: international security; maritime piracy; universal jurisdiction; impunity culture; national legislations.

Introduction

Piracy has reappeared for the last two decades, after a long period of historic decline[1], in order to gain the proportions of a global phenomenon. The contributive factors are extremely various, ranging from the huge increase of the commercial maritime traffic and the lack of efficient security measures in harbours, to the absence of jurisdiction and authorities corruption in some areas and up to the proliferation of extremely destructive and sophisticated weapons[2]. The impact is multidimensional. Piracy represents a direct threat to human life, measured by the increased incidence of hostage-taking or crimes[3]. Beside human costs, piracy imperils maritime communications lines, interferes with the freedom of navigation and impacts international commerce[4] and ultimately, piracy impedes the globalization-technology cycle fostering de-globalization[5].

1. International security and piracy

Piracy threatens the transport of humanitarian aids to Somalia and involves security concerns[6]. Furthermore, it funds regional conflicts through arms trafficking at the Horn of Africa, in spite of the embargo imposed by Security Council Resolution 733 (1992)[7]. More recently, US State Department ascertained a link between al-Qaeda and Somali pirates[8]. Furthermore, piracy increases the risk of ecological disasters in the event of collision or stranding of a captured tanker[9].

The incidence of piracy attacks is high in the following areas: the Gulf of Aden and off the coast of Somalia, the Gulf of Guinea, the Malacca Strait (between Indonesia and Malaysia), the Indian subcontinent between India and Sri Lanka and Caribbean area[10]. From all the above mentioned

* Oana ADĂSCĂLIȚEI is junior lecturer at Constanta Maritime University. E-mail: oana_ adascalitei@yahoo.com

areas, the incidence of piracy in the Gulf of Aden presents a particular importance because of its strategic importance as a strategic zone connecting the Eastern part to the Western one through Bab el Mandeb Strait to Suez Channel[11].

Piracy is rampant along the 3700 km of coastline in Somalia, due to nine separate gangs operating under a centralized command[12]. The pirates use three types of attacks – opportunistic attacks of "hit and run" type, kidnappings for ransom and ship hijackings[13] – and they make use of last generation weaponry[14]. Ransom payments adding up to hundreds of millions of dollars have turned piracy into an infringement with the same dimensions as those of organised crime[15].

2. Piracy definition according to United Nations Convention on the Law of the Sea (UNCLOS) – an inconsitency problem to modern requirements

Customary international law provides no agreed definition upon which constitutes piracy as universal crime[16]. Piracy is defined in almost identical terms in the Convention on the High Seas 1958 (HSC) and UNCLOS 1982. According to the Article 101, piracy consists of any of the following acts:

(a)   any illegal act of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:

(i)   against another ship or aircraft, or against persons or property on board such ship or aircraft on high seas;

(ii)   against a ship or aircraft, persons or property in a place outside the jurisdiction of any State;

(b)   any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;

(c)   any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

UNCLOS limits the geographical scope of piracy application to high seas, economic exclusive zone (EEZ) and places outside the jurisdiction of any state[17]. The limitation governs both the infringement itself and the powers granted to suppress it[18]. The international law of piracy does not apply to archipelagic waters, where the coastal state has sovereignty and neither to territorial or internal waters belonging to a state[19]. The requirement is extremely rational from the point of view of international law which states that anything that happens within the territorial sovereignty of a given state is an internal problem of that state[20]. For this reason, covering this "lacuna" through an international legal reform is not just doubtful but also inconceivable[21].

Paradoxically, geographical limitation imposed by UNCLOS makes the fight against piracy extremely difficult[22]. Practically, UNCLOS reduces the maritime space where piracy must be controlled at international level[23]. Nowadays, the vast majority of the attacks against ships happen more often within territorial waters and harbours than in open seas, which means that UNCLOS does not provide a jurisdictional basis for the instrumentation of those cases[24]. Identically, attacks taking place in gulfs, straits or archipelagic waters, where international shipping is compelled to pass an area bounded by waters under national jurisdiction is not regulated by the Convention[25]. Last but not least, geographical limitation allows pirates to take advantage of fallen or weak states[26]. In the circumstances of Somalia this provision is far from being useful because it disqualifies many acts of maritime violence related to the definition of piracy for the simple reason that they are taking place in an "inadequate" area[27].

Secondly, *jure gentium* piracy assumes that a criminal act to be exercised by passengers or the crew of the ship against another ship or persons or property placed on board of that ship[28]. "Internal seizure" of the ship by passengers, crew or stowaways boarded on it cannot be regarded as piracy according to the classical definition of UNCLOS[29]. Internal hijackings like the ones occurred in Santa Maria (1961) or Achille Lauro (1982) incidents were not considered to be acts of piracy[30]. The literal interpretation of the Convention text and the history of *travaux preparatoires* are supporting this point of view[31].

Under actual circumstances, this interpretation of UNCLOS definition, accepted by the majority of scholars, can give rise to problems. According to a scenario where persons hijacking the ship board it in the last port of call and later are taking over the ship's control when the ship reaches the high seas, one can state that such acts are not piracy in the sense of HSC/ UNCLOS definition because only

one ship is involved[32]. Certainly, the definition must be updated to include other acts of piracy like hijackings and suicidal attacks with bombs even if these acts are committed on board of a single ship[33]. Until the reformation of the definition, the only situation in which piracy acts could involve a single ship is that supposing acts of piracy are exercised against a ship, aircraft, persons, property in a place outside the jurisdiction of any state[34]. The provision is obviously out of date for today there is no *terra nullis* anymore[35].

Another UNCLOS requirement which has given rise to many debates is that piracy to be committed "for private ends." The term "private ends" is not defined within either HSC, UNCLOS or the Harvard Draft Convention on piracy and its meaning could not be unequivocal determined in any of these documents[36]. The traditional point of view regarding this issue is that the political motivated acts are not piracy in the sense of Convention[37]. As such, terrorism cannot be equated with piracy[38]. This opinion gains new senses under current circumstances which suppose that pirates operating in Somali waters could claim some social and political ends and it is very possible to be controlled by a group of local politicians[39]. Likewise, the issue of a correct qualification could be debated in a situation in which a group of persons use acts of depredation or detention of a ship or its crew for ransom payments as a funding scheme for political activities[40]. Other scholars embrace a more consonant point of view to this situation. According to their opinion, political motivated attacks cannot be excluded from the Convention's aim[41] as long as perpetrators are acting for private ends[42]. It seems that, under these circumstances, the relevant distinction is not private/political but private/public[43]. According to Guilfoyle "any act of violence on the high seas which cannot be attributed to or sanctioned by a State (a public act) is piracy (a private act)"[44].

The Article 101 of UNCLOS does not mention the attempt, the conspiracy to commit piracy, the aid and complicity regarding the commission of piracy acts and their results[45], or other acts of violence which are not directly linked to piracy[46]. This aspect was emphasised in the Naples Declaration (2009): "the international law on piracy as reflected in UNCLOS 1982 Convention on the Law of the Sea which is restricted to proscribing acts of violence...does not fully cover all acts of violence endangering the safety of international navigation"[47]. The criminal legislation of the states concerning piracy may fill this gap though[48].

A range of alternative definitions have been proposed to stand in for the impossibility of the UNCLOS definition to cope with the actual piracy phenomenon. Thus, under International Maritime Bureau (IMB) definition, piracy consists of "an act of boarding any vessel with the intent to commit theft or any other infringement with the apparent intention or possibility to use force in the furtherance of that act."[49] This definition is not acknowledged within the international law, although it has been supported by the shipping industry[50].

IMO proposed a different definition which divides between piracy acts according to legal and geographical area where they take place: piracy in high seas is reputed as piracy in the sense of UNCLOS definition, whilst similar acts in ports or national waters are defined as "armed robbery against ships"[51]. The adversion upon this definition goes to the content of the notion "armed robbery against ships" which remains obscure and to the impossibility of overlapping piracy with "armed robbery against ships" which may include other acts of violence[52]. Besides, an act of maritime violence within national jurisdiction of any state shall be regarded as piracy only if under domestic legislation of that state is considered like that[53].

The 2004 Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) has proposed a similar definition which has turned IMO non-binding definition into a definition of legal value[54].

3. Universal jurisdiction and the culture of impunity

Piracy is the first infringement that attracts universal jurisdiction[55] and for hundreds of years the principle has been applied to it exclusively[56]. Universal jurisdiction represents an exception to jurisdictional regimes requiring a connection between the offence and the state investigating the case[57]. Hence, as *hostis humanis generis*, pirates may be tried by any nation irrespective of their nationality or the place in the high seas where they are captured and may be summarily executed[58]. The special jurisdictional treatment was justified by the fact that the infringement being directed against shipping and international commerce

all states have an interest in exercising universal jurisdiction[59].

For centuries, the lawfulness of universal jurisdiction on pirates has received a wide recognition from scholars and jurists of all major maritime nations[60]. Although it was never challenged, the universal jurisdiction has proved to be more a question of theory than practice, being applied just for a small number of cases[61]. The principle was subsequently codified by UNCLOS in the Article 105: "On high seas, or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or an aircraft, or a ship or an aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board. The courts of the State which carried out the seizure may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ship, aircraft or property, subject to the rights of third parties acting in good faith".

Currently, the universal jurisdiction has been updated after quite a while, since its original application has seemed to have been forgotten[62], but it becomes a challenge since no state is willing to exercise it[63]. Certainly, after a period of 12 years, from 1998 until 2009, the incidence of universal jurisdiction was extremely low, less than 1.5 % of reported cases[64]. A real culture of impunity thrived on a basis of three undesirable options: investigating the cases in national jurisdiction with the perspective of confronting extensive judicial proceedings and potential application for asylum; freeing the captured pirates and thus affording them a *de facto* immunity; sending pirates back to Somalia, where they risk to be tortured and thus breaking the non-refoulment obligation[65].

The hurdles influencing the culture of impunity are of political, legislative and operational nature. At an operational level, the great immensity of oceans imposes significant costs in terms of military effectives, equipment and danger[66]. The vast majority of obstacles are still of legislative nature. Some states still have not adopted a domestic legislation for incriminating piracy[67]. Particularly, East African states have judicial systems in an incipient phase and it is well known they lack not only judicial systems but also resources for law enforcement[68]. Similarly, the affected flag states are in the vast majority of cases states with open registries as Panama or Liberia which lack judicial

and logistic resources that have a limited capacity for investigating cases[69]. Even for the states with an important institutional capability, investigating cases may prove difficult from the evidentiary and cost-benefit perspective[70]. Investigating piracy cases will prove difficult because of multiple aspects: evidentiary problems, establishing identity and nationality, providing counsel and translation[71]. Additional, allegations of abuse on religious grounds will increase if the lawsuits will become regular and will have negative consequences on states seizing or detaining pirates[72]. Applying the universal jurisdiction, the states in case shall bear all the costs, but the benefits are few[73]. Therefore perhaps, contrary to the international obligations deriving from UNCLOS some states limit through their internal legislation the jurisdictional ability to prosecute pirates[74]. States such as US or Belgium impose the condition of a *nexus* between the state's interests and the pirates' acts[75]. The reluctance of states in exercising universal jurisdiction is also motivated by implications linked to the observance of human rights[76]. Concerns related to possible violations of human rights prevail on fight against piracy[77]. Last but not least, the majority acts of maritime violence occur now in waters within national jurisdiction where UNCLOS does not have legislative power[78]. On political level, the states generating piracy – fallen states like Somalia – are not capable to control the phenomenon[79].

Overcoming the practical difficulties was differently understood. While France, one of the most active nations in anti-piracy campaign resorts regular to pirates repatriation in Somalia, other states such as US, UK, Denmark and the EU Member States have entered into arrangements by which the pirates captured were turned over to Kenyan authorities and prosecuted in this country[80]. China has turned the suspects over to Transitional Federal Government (TFG) and UE and UK concluded transfer arrangements with Seychelles[81]. The legality of these transfers is questionable though. Most of the scholars agree upon the fact that the customary international law of the sea was confirmed only in part by the Article 105 of UNCLOS[82]. According to this article, "the courts of the State which carried out the seizure may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ship, aircraft or property..." The history of issuing these provisions seems to support

the interdiction[83]. Other authors, like Treves, underpin a contrary point of view: UNCLOS does not establish the exclusive jurisdiction of the state which has carried out the seizure of pirates[84]. A more nuanced understanding of the Article 105 would be that although UNCLOS does not authorize the judgment of a third party, nor does it preclude the existence of other valid jurisdictions and does not prevent transfers between them[85]. In the current context, it is unlikely there will be objections to this interpretation of the Article 105 considering the reluctance of the states to prosecute in national courts[86].

Conclusions

The legal component of a complex phenomenon which multidimensional affects the international security represents an obstacle and at the same time one of the key of its solution. Exercising the universal jurisdiction, although perfect according to UNCLOS Convention, became more theory than practice in front of hurdles of political, legislative and operational nature. Applying the universal jurisdiction the states bear all the costs and the benefits are few. Beyond the lacunae of a definition which does not correspond to the reality, to the concerns related to human rights and to the complying and prosecuting of the cases, the lack of interest in prosecuting the cases in the light of national legislations appears in an obvious way. Under the circumstances in which most of the states lack an adequate domestic legislation for addressing piracy (or it lacks completely) or they show no interest in applying it, one of the few viable solutions is represented by the transfer between jurisdictions. Even in these conditions, the legislative solution is only a temporary one and with a limited effect, because the economic-political motivation is the real driving force of the maritime piracy.

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REDEFINING THE ROLE OF THE STATE AS A SECURITY GUARANTOR IN THE ERA OF GLOBALIZATION

Filofteia REPEZ, PhD*
Cătălina TODOR**

The beginning of the 21ˢᵗ century is defined by a series of paradoxes. In security terms, even though we are at a very high level of global interconnections and interdependences, this fact does not translate into a safer world, a less conflictual or more organized one.

The present research is aiming to identify the nature of the connection between globalization and security, according to the literature and the consequences of this connection from the perspective of the risks and threats that globalization can pose to security. The last part of the research is reserved to the role of the state as a guarantor of security in the new architecture of the globalized security environment.

Keywords: globalization; security; effects of globalization; risks; asymmetrical threats; national state.

1. Globalization and security. Conceptual delimitation

Globalization is perhaps one of the most actual, debated and even controversial worldwide phenomena, having repercussions on all the human activity areas and as a consequence on all the sectors and dimensions of security.

The literature offers an abundance of studies on globalization, but in most of the cases this is approached from economic perspective, this being easier to observe and measure, meanwhile the link between globalization and security is less exploited, being more difficult to observe and measure.

In order to establish the coordinates of this link between globalization and security, a scientific conceptual approach is needed, in an attempt to make a notional delimitation about what globalization is and is not, and then about what security is, all those reflecting on the nature of the previous mentioned relation.

The literature is abundant in defining the *globalization* process.

Thus, globalization can be defined as a reality of the contemporary world that puts its mark on every human activity area (economic, political, military, social, cultural, scientific, technological, ecological) an adds a distinction in prioritizing the levels of influence: "Above all, globalization is a geoeconomic process and then a geopolitical and geocultural one... globalization is a complex phenomenon that has a profound implication in all the human activity areas."[1] Basically, the economic power is the first coordinate which transcends the spatial borders, creating interconnections and interdepen-

* Lieutenant Colonel Filofteia REPEZ, PhD is lecturer at the Department of Joint Operations, Strategic and Security Studies, within "Carol I" National Defence University, Bucharest, Romania. E-mail: filofteiarepez@yahoo.com
** Cătălina TODOR is PhD candidate in Geography with Babeş-Bolyai University, Cluj-Napoca, Romania. E-mail: todorcatalina@yahoo.com

dences and facilitating the evolution of technology, communications and means of transport.

Another definition confines the globalization concept as „not an event, but a gradual and ongoing expansion of an interaction process, forms of organization, and forms of cooperation outside the traditional space defined by sovereignty. Activity takes place in a less localized, less isolated way as transcontinental and inter regional patterns which cross and overlap one another."[2] Also, he makes the difference between globalization and the simple interconnections by adding to this dimension the inter-penetrations, measured in terms of movement of goods and capital, to which the movement and the inter-penetrations of people and ideas is added.

Also, globalization could mean „the domination of ideas, products, powers, etc, but it is neither equal nor universal." the same author underlines, however, the lack of a rigorous definition, which increases the possibility of this process to "become a cliché, a grand idea that captures absolutely everything that happens around us and cannot be explained coherently, or the cause of all the problems that the world economy and the contemporary society are dealing with."[3]

Last, but not least globalization is "a controversial notion in the sphere of the economic, political and cultural studies"[4], fact confirmed by reviewing the literature, controversy that brings positive visions based on the advantages of globalization, negative visions based on its negative outcome and also a moderate vision that combines the two approaches, making of globalization a process that brings both opportunities and vulnerabilities in all dimensions of international environment.

In our current research, we relate to a definition considered among the most used ones: "globalization represents the process by which the geographical distance becomes a gradually less important factor in establishing and developing cross-border economic, political and socio-cultural relations. The networks of relations and dependencies acquire a growing potential of becoming international and worldwide ones"[5] a definition which is comprehensive enough, but also general and neutral enough in order not to point either the negative or the positive effects of this process.

Regarding the concept of *security*, literature offers a multitude of versions and definitions, comparable from this point of view to defining the globalization concept. It has been concluded that "this notion is not absolute, but relative and its projection at national and international level reflects a certain gradualist approach"[6].

According to the Romanian Explicative Dictionary, „the term of security originates from the Latin word *securitas-securitatis*, notion that means "the state of being at shelter/ being protected of any danger; the feeling of confidence and peace of mind that the absence of any danger gives to someone"[7]... The security becomes real and effective when it acquires the dimension of certainty and for the collective security nothing can be more important than the certainty of the frontiers, the territorial unity and integrity of the states, preserving the language, culture and spirituality[8].

At a practical level, a definition of this security concept, comprehensively enough, to which we will relate in terms of globalization and outcome of the link between security and globalization states that "security is a state represented by the system of favorable internal and international, ecological, social, economic, military, diplomatic, political, informational and cultural conditions, in which every human community activates." To this adds a classification based on the geographical environment in which it manifests: "national security (when we take into consideration the territory of a state), regional security (includes several states from a specific geographical area) and the international security (captures the whole Planet)"[9]. Also, the author acknowledges that national security can be considered a component of international security and consists in "guaranteeing the fundamental rights and freedoms of citizens, protecting the sovereign and independent, unitary and indivisible national state, consolidating the rule of law and the democratic institutions, ensuring a decent standard of living for the population, protecting and promoting the national interests worldwide"[10], meanwhile international security "consists in a state of dynamic balance, outcome of the multiple and complex interactions between the states of the world, in the pursuit of natural human activity". This involves "that state of normality for the planetary security environment in which the threats and risks that can affect the physical and mental integrity of a person, as well as their material goods, are under the effective control of those who manage human activity both at national and global level."[11]

Therefore, from the perspective of action areas, we can observe that the concept of security has been associated to different sectors such as: economic, political, military, environmental, etc; so concepts as: economic security, cultural security, social security, etc can be explained, concepts which make of security a concept with practicability in all the human activity areas. The same thing is valid in the case of the globalization concept.

Both globalization and security are concepts which lack a notional clarity, the link between these two being thus even more difficult to define.

In the security context, a very relevant definition is the one made by Philippe Delmas, stating that globalization is "an ensemble of ideological-political beliefs, having a consensus in the analysis of the planetary dimension which the political, technological, economic and social challenges humanity is facing at the present has gained."[12]

Therefore, it is essential for the security notion that globalization does not act unidimensionally, but in all the areas of human activity (economic, political, social, cultural, etc). National, regional, international security is unequal and capable of contracting the spatio-temporal dimension, increasing the degree of interdependence and interconnection between the groups that interact both at macro and micro level of decision locally, regionally and worldwide. Globalization is a process whose main characteristic is the paradox itself, explained as follows: "globalization unites and divides, approaches and separates, but it also disrupts; it enhances wealth, but also extends the poverty area."[13]

Other authors see globalization as a necessity of the modern age due to its possibility of decreasing the vulnerabilities created by "the accelerating technological advances and information technology, the deepening of the strategic fissures between the civilized world and its major effects of marginalization of some populations, regions and even continents, the combat against threats of all kind and the management of crisis and conflicts", but they point out that it has "a multitude of other effects, including negative ones, within the global, regional and national security."[14]

2. Risks and threats towards security posed by globalization

Globalization's effects on security are less approached for at least two reasons: first because

since the end of superpower competition due to the end of the Cold War, these effects often merge with the changes in the international agenda and second, because these effects are harder to conceptualize and measure as opposed to the economic ones which, for example, are manifested and measured by means of the international capital flows or of the internet use.[15]

As previously stated, the effects, which we may consider in the present research as the security effects of globalization, are both positive and negative and they can be summarized as follows[16]:

• the feeling of belonging or of solidarity between states belonging to the same region may experience an accentuation. For example, Ignacio Ramonet claims that this actual situation is more of a chaos, one of its peculiarities being the rebirth of the nationalist sentiments itself and the increase of the fundamentalist ones[17];

• the magnification of solidarity between the states of the world regarding the peacekeeping at regional and worldwide levels, preventing and controlling the conflict and crisis, solving the major humanitarian problems, the terrorism; etc.;

• the deconstruction and the rebuilding of the actual international system can generate some crisis of diverse nature (economic, religious, ethnic or national one, etc);

• the increased economic interdependence between the worldwide states can determine the increase in stability at a regional and global level;

• the increased sensitivity of the world economy towards any local or regional malfunction or difficulty;

• the reduced possibilities of anticipation and prevention of economic and financial crises and politico-economic syncopes can threat and disrupt the technological and military capacity of a country or even more than one;

• the decreasing level of national security due to the very high level of dependence between the resources, information and technologies of different countries; the international interdependences can affect the independence of the governmental decisions, according to national interests and to the negative repercussions towards other fields than the economic one (such as the cultural identity, controlling criminal groups and cross-border mafia, etc.);

• the appearance and proliferation of some

asymmetrical threats and risks with negative effects felt by many countries such as: proliferation of the terrorist and human traffic mafia networks, drugs, weapons, military and nuclear technologies; breaking of the informational and banking systems; disinformation and manipulation of information, the decreasing authority of the state and the encouragement of creating autonomous, mafia-type structures with powerful international ramifications, which leads to the globalization of organised crime, the emphasis of economic, financial and political dependency of the developing states on the developed ones; the expansion of clandestine immigration; the environmental challenges.

We may assert that the positive effects of the globalization are given especially by the advantages of the high level of international cooperation, meanwhile the negative ones are the consequences of a much too fast development of the interaction between the humanity and the strategic resources (the information resources, the modern technological resources, etc.) – on one side – and on the other side, of the much too rapid interaction between civilizations and values.

Regarding the source of those effects, some authors say these are occurring due to the globalization process: "globalization implies... biunivocal relations (between the states with the same level of development) and univocal relations (between the states with different levels of development), being active (in the first case) and passive (in the second case), taking into consideration the economic, political and cultural power of the states engaged in this process "[18]. Kofi Annan, former General Secretary of the UN, observes that "the benefits of globalization are unevenly distributed, meanwhile the disadvantages devolve upon all."[19]

Relating to the security risks, Ignacio Ramonet points out the fact that the most profound effects of globalization involve the complication of the "threat" notion: "the enemy has become a monster with thousands of faces that can mean arise of the demographic boom, drugs, mafia, the nuclear proliferation, ethnic fascism, AIDS, the Ebola virus, organized crime, Islamic fundamentalism, the greenhouse effect, the desertification, the population migration, the radioactive clouds, etc."[20] Also, he draws attention to the fact that this threats do not have boundaries, so that retaliation cannot be made with the traditional weapons of war.

Regarding the territorial dimension of security, it will manifest as national security risks in the first place and then the regional and global risks. Practically speaking, all those threats first have implications at local dimension and then, based on their spreading potential, at regional or international dimension.

Globalization can also lead to an increase in the occurrence of risk materialization by the simple fact that this process has radically modified "the capabilities placed in service of the threats."[21] Globalization creates opportunities for the insecurity generating actors by means of technology, diversification and expansion of communication and transport means.

Victor D. Cha appreciates that those who produce threats can belong to state actors, non-state actors and individuals. The simple question that arises is: who is left the task to oppose them and what is the role of the state in this equation?

In the following lines, the present research is trying to find a possible answer to this question.

3. Globalization and the state's role in providing security

The security threats and risks arisen as a consequence of the globalization process bring forth the need for a "new order" that redefines the responsible actors for the individual, national, regional and global security. The process of remodeling the world can be explained through the following aspect: "in the last decade the events, phenomena and increasingly dynamic and complex mutations have accelerated the process of remodeling the world … leading to that new order, a reset of the international system."[22] Examples of this kind of manifestations are numerous: the 9/11 2001, the terrorist attacks from Madrid and London, but also the transformation of regional organizations (NATO and EU expansion to the East, reforming the EU through the adoption of the Lisbon Treaty in 2009 and NATO through adopting the New Strategic Concept in 2010), or China's rising influence, the global warming, the emergence of some pandemics such as H1N1, the Libyan war, the popular riots in North of Africa and the Middle East at the beginning of 2011, the increase in the frequency of the energy crisis.

Reorganizing the international system is likely to change the position of the national state both at

the level of actions against the actual security risks and in terms of security structures of transnational organizations which are undergoing a redefinition process.

Traditionally, the state has been considered a security guarantor, power being measured in terms of military capacity, economic power and natural resources. The ability to transform these assets in exercise of influence determined Sean Kay to claim the fact that globalization forces states to redefine the meaning of the power concept.[23] In his vision, globalization brings important changes in the nature of power dynamics: the asymmetrical power, the state power, the role of human resource, the role of ideas and the power of media. Therefore, new coordinates have been added to the power, such as: human resource, informational resource and technological advance.[24] Given the international dynamics, flows and movements of these sources of power and the fact that they exceed the frontiers of the national state and its ability to have total control over them, the traditional position of the state is now in a process of redefinition. Basically "no state, regardless of its size (area and population), level of economic development, political regime, military power can oppose this process" of globalization and that there are trends towards "realizing a global community" which changes "the whole life of the nations".[25] Relating this aspect to the concept of security translates into modifications of the state's implication in ensuring and supporting security.

Analyzing the role of the state in this new architecture generated by globalization, the following finding is particularly relevant: "the globalization theories present either hyperglobalist scenarios, or state-centered scenarios."[26]. It is thus emphasized that the sovereignty of the states is being questioned, arguing "the lack of relevance of geographical anchored jurisdiction" in the circumstances that "globalization cleaves the geographical borders more and more", focusing on the influence transfer from geographical space to cyberspace.[27] "Sovereignty is becoming relative" is another finding and this supports the idea that "the fundamental problem faced by any state remains identifying a new balance between international competition and preserving the national cohesion; between the new geoeconomic requirements and those belonging to the traditional geopolitics and

geostrategy." As a solution to the inability of the state to avoid the globalization effects, "replacing the state concept understood as a whole sovereign state by the meaning of a state understood as a place of concentration of influence networks and relationships"[28] is estimated the only possible one.

At the level of international action, it is a real and visible fact that the national state is not at its end of existence, but what has changed is the space in which security actions are applied: "a post-sovereign space whose spectrum ranges from non-state to sub-state and trans-state arrangements" and that the state has less control, globalization acting in both ways: "widening boundaries, but also weakening them." To the traditional security role (defending the territory and its sovereignty) globalization adds the necessity of defending the technological and informational assets.[29]

These statements are reinforced and justified: the state does not go down; the "state remains, in terms of economy, society and culture, the main actor both in globalization and regionalization, its position being more full of interdependent processes that allow it to achieve its goals only through cooperation with the third parties."[30]

Another idea focuses on transferring "a series of specific characteristics of the traditional concept of state sovereignty ... to the competence of regional and/or international organizations with recognized powers in human security area"[31].

The globalization process makes out of states "agents of the so-called *planetary village*"[32], in which the individuals and societies are no longer protected, stopped and constrained by borders, meaning that people and goods are freed of the geographical context. On the other hand, negative connotations are being associated to the concept of planetary village: the global village remains at least for the future an utopia because, in the opinion of many, it is not even something to desire.[33] In this context, the authors call for the concept of global governance, a new world order as a response to globalization, finding that the nation state is too small to effectively cope the global challenges alone; they claim its corrosion, its being no longer able to fulfill some of "its important functions (e.g. safety of its citizens in this age of mass destruction weapons)."[34]

By means of the global *governance concept*, the state is maintaining its regulatory functions and its filling the gap of regulatory deficit by: cooperation,

creating some political forms, involving the civil society (at a global level) and strengthening the international organizations[35].

We may thus observe how actual and important the discussion about the role of state in the age of globalization is. Being in a continuous reconfiguration, the international environment is shaped by paradoxes in which chaos and order, the state and the geopolitics, international organizations and global governance are coexisting in a tandem manner.

The role of the state in the new security architecture is that of ensuring the security of its citizens, and, together with other actors of the global architecture, preventing transboundary security risks from happening. It is certain that the state can no longer act as the only responsible guarantor of security, needing to act together with and according to a series of international, regional, national and local actors such as: international organizations (UN, World Bank, IMF etc), regional blocks (EU, OSCE, etc), media (from the international channels such as CNN, BBC, to the social networks), NGOs (*The International NGO Safety and Security Association «INSSA», International Crisis Group, International Federation for Human Rights* etc.), civic society.

Taking into account the direction traced by the previous analysis of the literature, we can make the following remarks:

• the state alone can no longer cope with challenges that go beyond the national borders;

• the reality regarding the connection between globalization and security is midway between the state-centered and the hyperglobalist approaches;

• the age of the state does not end having in mind that in terms of security, the state should be the umbrella under which "a concentration of influence networks and relations"[36] takes place;

• the security in a globalized age must be the result of cooperation between the state and other international, regional and national actors;

In this context, what is crucial for the security is the way in which the state will be able to strike a balance between global environment transferable tasks and the imperative task to remain national

Conclusions

Globalization and security are two concepts as actual and expanded in terms of the area of action

as lacking of clarity in their notional delimitation. This brings up the difficulty in measuring the effects of globalization within the security dimension, for which the connection between the two concepts is relatively less approached by the literature, generally those approaches being centered on the economic dimension of globalization. It is no doubt that the repercussions of globalization on security are carried out both at the level of security challenges and at the level of guarantors of security actors.

In terms of challenges, this paper's aim was to show that they result primarily due to the mark that globalization has on the term "threat" itself which becomes a concept increasingly difficult to delimit, acting in all spheres of the human activity (economic, social, cultural, political, military), but also at the level of environment through its ecological dimension. Threats of various kinds occur both at the individual, local, national, regional and international levels.

From the perspective of security ensuring actors, a crucial aspect for the current security environment, emphasized by this research, is the change that occurs due to globalization at the level of the role that the state has in providing security. The age of the state does not end, but it is redefining, the state being no longer the only guarantor of security, but acting along with other globalized actors or actors of globalization such as: international organizations, regional blocks, global media, NGOs , etc.

Currently, the 21st century world is in full process of reshaping the international security environment, a context in which the debates and concerns on globalization and security are more than necessary.

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11 *Ibidem*, p. 12.

12 Philippe DELMAS, apud Eduard Vitalis, "The Globalization and the Effects of Projecting it into the Regional Security Field", in *Strategic Impact* no. 2/ 2005, pp. 50-52.

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14 Eduard VITALIS, op. cit., p. 51.

15 Cf. Victor D. CHA , op. cit., p. 393.

16 E. HEDEŞIU, C. STOICA, G. TOMA, *Securitatea internaţională sub impactul globalizării – Realizări, provocări şi schimbări*, Editura Academiei Naţionale de Informaţii, Bucureşti, 2007, pp. 15-18.

17 Ignacio RAMONET, *The Geopolitics of Chaos*, Algora publising, New York, 1998, p. 6.

18 Mircea MUREŞAN, "Globalization and Insecurity", in *Strategic Impact* no. 4/ 2005, p. 7.

19 *Ibidem*.

20 Ignacio RAMONET , *op. cit*., p. 18

21 Cf. C. PANAIT, A. PASOL et all , *op. cit*., p. 88.

22 Teodor FRUNZETI , *op. cit*., p. 7.

23 Cf. Sean KAY, "Globalization, Power and Security"*, Security Dialogue*, vol 35, no. 1/ 2004, SAGE Publications, p. 14.

24 *Ibidem*.

25 C. PANAIT, A. PASOL et all, *op. cit*., p. 80.

26 Liviu Bogdan VLAD, Gheorghe HURDUZEU, Andrei JOSAN, "Geopolitics and globalization – The Nation-State in the Postmodern World", in *Strategic Impact* no. 1/ 2009, pp. 71-76.

27 *Ibidem*, p. 75.

28 Gheorghe NICOLAESCU, "Globalizare, regionalizare şi stat", in *Impact Strategic* nr. 4-5 / 2002, p. 59.

29 Cf. Victor D. CHA , *op. cit.,* pp. 392-395.

30 Teodor FRUNZETI , *op. cit*., p. 8.

31 Petre DUŢU, *op. cit.*, p. 13.

32 Marshall McLuhan – the concept of "global village" Marshall McLUHAN, *Understanding Media, The extensions of man*, London and New York, 1964, apud Eduard VITALIS, *op. cit.*, p. 51.

33 Cf. C. PANAIT, A. PASOL et all, *op. cit*., p. 80.

34 *Ibidem*.

35 *Ibidem*, p. 85.

36 Gheorghe NICOLAESCU, *op. cit.*, p. 59.

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GENERAL CONSIDERATIONS CONCERNING THE LEGAL STATUS OF INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

Mădălina Virginia ANTONESCU, PhD*

The legal statute of international organizations (in absence of an unanimous legal definition, accepted by states) is important in order to understand the basic principles of political international environment at the beginning of 21st century, the need to make this environment safer, the need of cooperation between states as well, in order to fulfil objectives of common interest. In this article, we are trying to realize a brief analysis of the incident literature, in order to underline the general legal framework in which states can create such entities and also, their specific elements, distinguishing them in comparison with other actors.

Keywords: international organization; principle of specificity; founding members; admitted members; exclusion; withdrawal.

1. An attempt to legally define the term "international intergovernmental organization"

In the society at the end of the 20th century and in the start of the 21st century, the importance of the international intergovernmental organizations experienced a continuous growing, simultaneously with the phenomenon of proliferation of such legal entities with multiple roles but well established by the states. Often, they play a significant role in the establishment or recognition of a democratic behaviour for countries on different continents, in securing international political and military environment (organizations with a defensive military profile), in combating international terrorism, in protecting human rights, in the field of humanitarian law and other numerous fields where joint cooperation and persistent effort by states are required in order to preserve peace and spread democracy across the globe, as well as respect for human rights and individual freedoms. It is, therefore, important to understand their establishment and defining elements, which give them individuality and efficiency in international or regional political and legal environments, in combating various types of phenomena that are specific to the international environmental in the start of the 21st century.

According to Jean Combacau[1], due to the diversity and increasing number of international organizations, a *general definition* that would include the common elements of international intergovernmental organizations *would only*

* Mădălina Virginia ANTONESCU, PhD in European Law, is expert in international relations with the Romanian Diplomatic Institute and honorary researcher with the Romanian Institute for Human Rights. E-mail: madyantonescu@gmail.com

have a theoretical feature[2]. In his opinion, the international organization is defined as "a group with a permanent purpose consisting essentially of states created by them based on a generally multilateral convention, a group having their own bodies and conferred powers". According to this definition, international organizations are based on a "principle of specificity": thus, by virtue of the "instrumental or functional featurec of the international organizations, specific tasks are assigned to each of them under an interstate treaty. The international organizations have, by the will of the states founding them, their own personnel "ensuring the functioning of the collegial bodies"; they also have "a state funding and possibly an international personality, exercise legal and / or operational activities, in accordance with the provisions of their establishment act"[3].

The UN International Law Commission, through its rapporteur, G. Fitzmaurice, proposed within its proceedings in 1956, a definition of the international organization, regarded as "an association of states[4], established by the Treaty, provided with a constitution and joint bodies and possessing legal personality distinct from that of the Member States". Although generally accepted within the international law doctrine, this definition is not adopted in the text of the Vienna Convention on the Law of Treaties, 1969. Thus, art. 2 of the Convention states that "international organization" is a phrase equivalent to "intergovernmental organization", so the emphasis is on the capacity of the *participants in the organization,* namely *they should be the states only*[5] (while the other distinctive elements of the international organization to which the doctrine refers are not adopted).

At the moment, we can not say that there is a precise and universally accepted legal definition of the international organization within the international law[6].

However, the definition of the international organization should also include the element of "free will" of the organization[7]. This element ("free will[8], expressed in the legal personality of the organization") also appears in the definition given by Mircea Malița on the international organization[9], which is considered a "permanent institution, established as a legal entity consisting generally of states, for certain purposes[10], with a will of its own and reflecting the will of the majority of Member States".

According to another author, since we can not speak of a universally accepted definition of the international organizations, there are no features that can be identified as "preset"[11].

An *essential element* for the legal existence of an international organization entails the *association of states to achieve joint objectives*[12] (in case of the integration organizations, where their level of autonomy to the Member States is higher in comparison with the cooperative organizations, so that there are actual objectives specific to the organization, as an entity that is distinct from the will of the states).

Creating an international organization under international treaties concluded between sovereign states, treaties with various names (charter, statute, and constitution) is a distinctive element in the definition of such entities, according to the doctrine[13].

Also, *another constituent for an international organization*, according to the doctrine, concerns the existence of *its own institutional structure*, a number of bodies with permanent or periodic operation, depending on the specific of the organization concerned, through which it performs the work provided in its establishment act. Among such bodies, according to the doctrine, there should be at least a representative body of all Member States[14].

Finally, it should be noted that international organizations are subjected in terms of their establishment, goals, and activities, to *international law standards* and in particular the fundamental principles of international law[15], an aspect which is another constituent element of international organizations.

By *adding* the components of such an entity, it would automatically acquire own legal personality (of national and international law).[16]

On the other hand, considering the recent origin of this legal concept ("international organization"), *we can not say that there is a strict, clear, and widely accepted definition of such institutions of international law, applicable at regional and international levels*.

2. Legal relations between international organization and Member States

Regarding this topic, we should mention from the very beginning that we will refer briefly to

some issues such as the obtainment and loss of membership[17].

Thus, *a State may accede* to an international organization if it shows that it can assume the obligations provided in the establishment act and can contribute to the achievement of the objectives of common interest in the establishment act[18].

It is essential, in this view, that the *voluntarist nature of the international organization as a form of cooperation between states*[19] is emphasized, since, by virtue of their sovereign nature, states can not be forced to participate in the activity of the international organizations or assume legal obligations in relation to it, or accept the objectives in its establishment act or respect the decisions taken by the bodies of the international organization concerned.

Although there are numerous and diverse[20] international organizations, there are comparable rules that allow us to detect a legal regime applicable to the "membership status" of the organization (we refer to general legal rules on obtainment and loss of membership).

Thus, as regards the *obtainment of membership* by an international organization, it should be noted that this is achieved either by the participation of the State in question to the development of the organization's establishment act or by the State's adhesion, following the development of such act, to the organization concerned[21].

In the first case, the capacity of "founding member" of the international organization is a legal consequence of the state's participation in the establishment of the organization and the development of its establishment act (although the doctrine[22] emphasizes the fact that there is no hierarchy, no distinction between such states and those that subsequently adhered to the organization, whereas both are "full members" of the organization, so not having a different legal status in terms of the rights and obligations provided by the establishment act of the organization).

As shown in the literature, *adhesion of a State to an international organization* has a doubly voluntary nature (entailing both a manifestation of the will of the State and a manifestation of the will of the organization itself)[23]. The "*original members*" (or founders) of the organization gain such legal capacity by ratifying the establishment act of the organization (previously negotiated and signed by them), while the "*admitted members*"

may participate in activities of the organization as full members only after having passed a specific admission procedure (performed by accession), whose conditions are usually specified in the establishment act of the organization[24]. Given the variety of provisions in these legal documents underpinning the international organizations, it is difficult to identify generally applicable rules on states' accession.

A trend noticed in the doctrine and related to the regional international organizations is to subject the State wanting to accede to such an organization, to the condition of belonging to a certain geographical area[25] (in other cases, an economic or political criterion is added to the geographical criterion).

However, in general, the diversity and large number of international organizations lead to the existence in the establishment act of each of these organizations, of their own specific conditions, related to the obtainment of membership, depending on the objectives of the organization[26].

With regard to the *procedural requirements imposed by the establishment act for the obtainment of membership of the organization*, one can say that they differ from case to case, depending on the type of establishment act (international treaty, which will be subject to ratification or acceptance procedures, agreement in a simplified form). However, as mentioned by a part of the doctrine, it is crucial that the State concerned expresses its consent to become a party to the establishment act, according to its constitutional provisions[27].

Another procedural requirement related to the obtainment of membership of the organization refers to the submittal of ratification or approval instruments by the adhering State to the Depositary (State or organization) of the establishment act of the organization concerned. This step usually takes place following the decision of the organization in question to accept the State as a member and after the latter has fulfilled its internal constitutional formalities.

Regarding the *legal status of the members of the organization*, it is mainly governed by the provisions of the establishment act and completed by the acts adopted subsequently by the bodies of the organization. Thus, by virtue of its status as a "full member" within the organization – but still remaining a sovereign state – the state concerned must comply with its legal obligations taken under

the establishment act of the organization and to exercise specific rights as a Member State.

Usually (whereas there may be cases when the binding character of the derived acts of the organization and the centralization of interpretation of the establishment act by a body of the organization, typical cases for international integration organizations), the international organization serves as a co-operation forum for the Member States, as a place of permanent negotiation among them (while the organization concerned does not lose its autonomous decisional character). In addition, the international organization *may sanction*[28] Member States by decision of its bodies, when states do not meet their obligations arising from their membership.

We can not overlook the issue of the *loss of membership (the causes producing such legal effect are: voluntary withdrawal, exclusion, dissolution of the organization; disappearance of the Member State)*.

As regards the *voluntary withdrawal* of a state from an international organization, we should mention from the very beginning the diversity of provisions contained in the establishment acts of the international organizations (an aspect that is reflected in the controversies within the doctrine on this issue). Thus, while a part of the doctrine considers that the right of withdrawal of states from an international organization *is absolute, being a form of manifestation of state sovereignty* (hence, even when not expressly provided for in the establishment act, the right of withdrawal exists, whereas it arises from the state sovereignty[29]), another part of the doctrine claims (based on the legal regime of withdrawal of states from multilateral treaties and considering the establishment acts of the international organizations as multilateral treaties) that the withdrawal *can take place only when the goals of the organization concerned fundamentally change* [30]. In our opinion, considering the *capacity of secondary subject of international law* of the international organization in relation to states, the fact that the international organizations have not a sovereign nature as states, and also the *voluntary legal nature* of such entities, based on the free consent of states to become members thereof, and therefore their possibility to always leave the organization concerned, we agree with the first doctrinaire view.

Generally, the state can withdraw from the organization following an initiative of the Member State which is at odds with the organization[31]. Many of the establishment acts of the international organizations expressly provide for the unilateral withdrawal from the organization (NATO treaty, FAO Constitution, ICAO Convention), and stipulate precise terms (from one year to five years) whose duration varies depending on the organization (noting that, in other cases, for example organizations such as the IMF or IBRD, the withdrawal takes effect immediately). *The existence of an express provision in the establishment act concerning the unilateral withdrawal* allows regulation of the legal consequences of the withdrawal but may also reduce its exercise way by imposing an advance notice requirement[32], allowing *negotiation of the withdrawal*, and even influence the state concerned to waive its withdrawal. On the other hand, a formal entry in the establishment act of the right of withdrawal could present a risk of weakening and failure of the organization, and such an entry can be interpreted as encouraging states to leave the organization at any time.

An express condition for the withdrawal to produce legal effects is the obligation of the Member State to notify its decision to the organization which it wishes to withdraw from[33] (e.g., withdrawal of U.S. and other Western states from ILO in 1977 and UNESCO in 1984), while the withdrawal does not stop the state concerned from subsequently reconsidering its decision and re-becoming a member of the organization, which it withdrew from, at some point.

The doctrine approaches also the issue of practicing *not expressly authorized withdrawal*; thus, under the law of treaties, it is admissible that the withdrawal is justified by the (multilateral) nature of the treaty (in the preparatory proceedings of the San Francisco Charter, the withdrawal seems to be regarded as *an implicit right of the states*). Regarding the effects of withdrawal, for the past – the obligations previously arising persist, and for the future – the state that withdraws will remain bound by the treaty rules but customary in nature (for example, ban of the use of force in Article 2, paragraph 4/ UN Charter[34].

Regarding the *exclusion*[35] of a Member State from an international organization, as another specific case of loss of the legal capacity of member of an international organization, it is seen in the doctrine either as a sanction or as a measure to protect the organization[36].

By exclusion, regardless of the perspective in which it is seen, the state loses the rights enjoyed while member of that organization and also, is not bound to fulfil its legal obligations assumed in relation to the organization any more. In practice, there are not many cases of exclusion of states from the international organizations[37].

Exclusion may be expressly provided for in the establishment act of the international organizations but there is no generally valid rule of statutory requirements relating to the adoption of the decision to exclude the State concerned. In some international organizations where decisions are taken unanimously, such as the Arab League, the State to which the exclusion procedure would apply has no right to vote, in most international organizations the vote of 2/3 of the members is needed for the adoption of the exclusion decision[38]. There are also international organizations whose establishment acts do not expressly provide exclusion of its members. In practice, however, nothing stops Member States from putting pressure, individually or within the bodies of that organization, in order to determine the unilateral and voluntary withdrawal of the State that no longer meets the statutory requirements imposed by membership[39].

An establishment act that does not expressly provide for the exclusion of the members from the organization may be amended at any time by the Member States so as to include such a provision. In *practice*, the adoption by the General Assembly of the organization of the proposal to amend the establishment act determined the State concerned to withdraw from the organization before the ratification of the amendment by the Member States (e.g., withdrawal from ILO of South Africa in 1961). In other cases, plenipotentiaries of some Member States were excluded from the bodies of that organization or deprived of their right to vote within those bodies (case of South Africa and Portugal, whose plenipotentiaries were excluded from ITU Conference and UPU Congress in the 60s).

Loss of membership of an international organization can also be triggered by the *disappearance of the Member State* (its disappearance as a subject of international law causes automatically the loss of membership of the organizations it used to be part of) or *dissolution of the international organization as such* (no matter if the consent of all members or only a part thereof was required for the dissolution of the organization[40]).

We should also mention, however, other aspects related to the legal relationship between Member States and the international organization which they are part of. Thus, Member States have certain legal obligations in relation to the organization (having to comply, as members, with its decisions, particularly with the secondary legislation issued by the bodies of that organization[41].

As regards the Member States that do not fulfil their obligations under the establishment act of the organization, *various types of sanctions* may apply to them, ranging from suspending the voting rights of the states that have not paid their contributions (procedure applied by UN bodies against Kampuchea in 1977) to excluding members that have seriously violated certain provisions (e.g., violation of art. 3/ Statute of Council of Europe, protecting human rights and fundamental freedoms, which led to the withdrawal of Greece threatened with expulsion from the organization in 1969, before returning in 1971 within the Council of Europe).

In conclusion, we can say that despite the inconsistent nature of the legal regime of the international intergovernmental organizations and doctrinal controversies regarding their establishment, constituent elements, conditions of access / loss of membership, such legal entities experience a great proliferation in the international political environment at the beginning of this century, showing both normative and institutional character of the environment where states make decisions and act upon common objectives (when referring to the reasons for the establishment of the numerous international organizations).

NOTES:

1 Jean COMBACAU, Serge SUR, *Droit international public*, Montchrestien, Paris, 1997, p. 694.
2 Idem, p. 694.
3 Jean COMBACAU, Serge SUR, *op.cit.*, p. 694
4 Such distinctive feature of the international organization is also adopted in the definition given by Ph. CAHIER – *Changements et continuité du droit international. Cours general de droit international public*, Recueil des Cours, Académie de Droit International, 1985, vol. 195 VI, Martinus Nijhoff, 1992, p. 131.

5 Raluca MIGA-BEŞTELIU, *Drept internaţional. Introducere în dreptul internaţional public (International law. Introduction to the public international law)*, Publishing House All-B, Bucharest, 1998, p. 119-120.

6 Raluca MIGA-BEŞTELIU, *Organizaţii internaţionale interguvernamentale (International intergovernmental organisations)*, Publishing House All Beck, Bucharest, 2000, p. 10. For the purposes of this article, which aims at exploring the notion of "international intergovernmental organization", the lack of a universally accepted definition within the international law on the international organizations is *a good thing*, because it implicitly excludes the disadvantage of a rigid and restrictive interpretation of it, which would have resulted in exclusion from this legal category of other forms of association between states, which do not meet all the requirements of that definition. Therefore, we interpret the *multitude of definitions* of the international organization *in a positive sense*, as aiming to *enhance* the possibility of taking *various* types of international organizations into account.

7 The element of *free will* of the international organization, more or less distinct from that of the Member States, also appears in the definition given by Pierre GERBET, *Les Organisations internationales*, PUF, col. Que sais-je?, Paris, 1958, p 5. According to this opinion, in order to be in the presence of an international intergovernmental organization, "there should be, between different human groups, a willingness to cooperate regularly, inspired from the need to defend against an external threat or through a community of religious, ideological, and economic conceptions. Such cooperation will should occur in a specific geographical environment through the establishment of permanent bodies, able to express a will of their own". Permanence and free will are two distinctive features for Paul REUTER, as well, *Institutions internationales*, PUF, Paris, ed. Maurice DUVERGER collection, 1963, pp. 193-194 ("only due to its free will, the international organization manages to differ from a confederation", "the international organization possesses own legal will, which is attributable to it", according to the author, an will "that can occur validly only by following the rules that define the organization". See also Grigore GEAMĂNU, *Public International Law*, Didactic and Pedagogic Publishing House, Bucharest, 1981, vol. II, p. 201.

8 Alexandru BOLINTINEANU, Adrian NĂSTASE, *Drept internaţional contemporan (Contemporary international law)*, IRSI, Official Gazette, Bucharest, 1995, p. 65.

9 Mircea MALIŢA, cited from Grigore GEAMĂNU, *op. cit.*, vol. II, pp. 201-202.

10 The purpose of the international organization is to "achieve a common good of all its members". In this opinion, states are creators of the organization, in order to decide "obligations of public interest" (in this sovereignist view, we would say, the author believes that states would exercise "immediately a kind of power, as holders of sovereignty, so that the establishment of the common good would be safe from any alienation"). See Suzanne BASTID, *Place de la notion d'institution dans une théorie générale des organisations internationales*, in *L'evolution du droit public, Etudes en l'honneur d'Achille Mestre*, 1956, cited by René-Jean DUPUY, *L'organisation internationale et l'expresion de la volonté générale*, Extrait de la Révue Générale de Droit International Public, octobre-decembre 1957, no. 4, Paris, Publishing House Pédone, 1958, p. 2.

11 Richard GARDINER, *International law*, University College London, Pearson and Longman, Pearson Education Limited, England, 2003, pp. 214-215.

12 Objectives that are different, for example, from those of an international cooperation organization with universal vocation (art. 1/ UN Charter): maintain international peace and security, develop friendly relations among nations, international cooperation, the objective of becoming a centre for harmonizing the actions of nations in the attainment of these common ends. See also Ion RUSU, *Organizaţii şi relaţii internaţionale (International organisations and relations)*, Lumina Lex Publishing House, Bucharest, 2002, pp. 20-21.

13 Raluca MIGA-BEŞTELIU, *Drept internaţional (International law)*, *op.cit.*, p. 121; Alexandru BOLINTINEANU, Adrian NĂSTASE, Bogdan AURESCU, *Drept internaţional contemporan (Contemporary international law)*, All Beck Publishing House, 2000, p. 97.

14 However, international organizations are not solely driven by representatives of states – its bodies are composed of other categories of people, as well (some of them can be even parliamentarians appointed by an assembly). See Paul REUTER, *op. cit.*, pp. 196-197.

15 Grigore GEAMĂNU, *op.cit.*, vol. II, p. 203, Jean COMBACAU, Serge SUR, *op. cit.*, p. 695.

16 Raluca MIGA-BEŞTELIU, *Organizaţii internaţionale interguvernamentale (International intergovernmental organisations)*, *op.cit.*, p. 12.

17 Raluca MIGA-BEŞTELIU, *op.cit.*, pp. 52-67; Ion M. ANGHEL, *Subiecte de drept internaţional (Subjects of international law)*, Lumina Lex, Bucharest, 2002, pp. 395-400.

18 Usually, only states can be members of the international organizations but, exceptionally, the international organizations themselves can be members as well. See Alexandru BOLINTINEANU et alii, *op. cit.*, p. 101. Since the international organizations have the capacity to conclude treaties, a "capacity that is necessary for them to exercise their functions and to achieve their goals" (according to the Vienna

Convention, 1986 on the law of Treaties between States and international organizations), it is considered that entities other than states can participate as contracting parties and thus as members of an international organization, as well. See Daniel DORMOY, *Droit des organisations internationales*, Dalloz, Paris, 1995, p. 25.

19 The international organization is "a very important framework for cooperation between states in various fields", according to Dumitru MAZILU, *Drept internaţional public (Public international law)*, Lumina Lex, Bucharest, vol. II, p. 210.

20 See Pierre GERBET, *op.cit.*, p. 37.

21 Alexandru BOLINTINEANU et alii, *op.cit.*, p. 101.

22 Raluca MIGA-BEŞTELIU, *op.cit.*, p. 54 ; Grigore GEAMĂNU, *op.cit.*, vol. II, p. 205.

23 Jean COMBACAU, Serge SUR, *op.cit.*, p. 717.

24 See Daniel VIGNES, *La participation aux organisations internationales*, in Réné–Jean DUPUY, *Manuel sur les organisations internationales*, Martinus Nijhoff Publishers, Dordrecht, Boston, Lancaster, 1988, Académie de droit international de la Haye, Kluwer Academic Publishers Group, pp. 68-69.

25 Aurel PREDA-MĂTĂSARU, *Tratat de drept internaţional public (Treaty of public international law)*, Lumina Lex Publishing House, Bucharest, 2002, pp. 291-292.

26 Thus, in terms of membership of a state to the UN, it must meet certain specific requirements of art. 4 of the Charter (to be a peace-loving state, to accept the obligations of the Charter, to be able and willing to carry them out). The organization itself is the one that has to ascertain the capability of the State wishing to obtain UN membership, to meet the requirements laid down in the UN Charter.

27 Raluca MIGA-BEŞTELIU, *op.cit.*, p. 57.

28 See Jean COMBACAU, Serge SUR, *op.cit.*, p. 719.

29 Jean François GUILHAUDIS, *Relations internationales contemporaines*, LexisNexis, Paris, Litec, 2005, p. 192. Daniel VIGNES, *op.cit.*, p. 75.

30 Raluca MIGA-BEŞTELIU, *op.cit.*, p. 61.

31 Jean COMBACAU, Serge SUR, *op.cit.*, p. 720.

32 Daniel VIGNES, *op.cit.*, p. 75.

33 Raluca MIGA-BEŞTELIU, *Organizaţii internaţionale interguvernamentale (International intergovernmental organisations)*, *op.cit.*, pp. 62-63.

34 Jean COMBACAU, Serge SUR, *op.cit.*, p. 720.

35 Daniel VIGNES, *La participation aux organisations internationales*, in Réné–Jean DUPUY, *op.cit.*, p. 74.

36 Raluca MIGA-BEŞTELIU, *op.cit.*, p. 63.

37 The exclusion procedure appears in the establishment acts of some international organizations such as the Council of Europe or the Arab League, while is incident "to punish rejection by a Member State of the ideals of the organization". Thus, the Council of Europe called on this procedure against Greece in 1969 but the latter withdrew voluntarily. See Daniel VIGNES, *op.cit.*, pp. 77-78.

38 In some cases, it was considered that it was better that the State remained a member of the organization instead of being expelled, as a means to maintain pressure from the international community on it and make it to meet its legal obligations (case of South Africa, Israel, Iraq, which were not excluded from the UN precisely for this reason). See Jean François GUILHAUDIS, *op.cit.*, p. 192.

39 Raluca MIGA-BEŞTELIU, *op.cit.*, p. 65.

40 Idem, pp. 66-67.

41 Maxime LEFEBVRE, *Le jeu du droit et de la puissance. Précis de relations internationales*, PUF, Paris, 2000, p. 106.

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THE 21ST CENTURY CHALLENGES AND COUNTERACTION WAYS: BIOLOGICAL WEAPONS AND MOLECULAR BIOLOGY RESEARCH

Lucia Elena IONESCU*
Nicoleta Simona BICHERU**

The biological weapons are a real threat in the contemporary period and are considered one of the main means of mass destruction, because of the seriousness disease that they can cause and epidemic or pandemic extension. The medico-military scientific research in the domain of protection against biological weapons directs and coordinates the national effort in order to maintain the health of the forces, population, animals, plants and surrounding environment.

Although pathogenic biological agents can be used as biological weapons with destructive effects, means of prevention, diagnosis and treatment are insufficient. Therefore, measures of counteraction should be taken that aimed at improving preparedness and response to bioterrorist attacks. Military Medical Research Centre (MMRC) has a permanent concern for fast implementation of rapid strategies allowing it the development of effective diagnostic capabilities and response to potential threats with bioterrorist agents. It has the needed expertise to develop working protocols for the collection, transport, processing, analysis (detection, identification and confirmation) of biological agents (bacteria and viruses) by molecular biology techniques.

Keywords: biological weapons; biological agents; molecular biology; viruses; bacteria.

Preliminary remarks

The risk of bioterrorist attacks with biological weapons is at present a threat to national security of the world countries, both because of human and material damage produced by direct attack and subsequent effects on economies and societies. It is important to make distinction between bioterrorism and warfare biological agents, used for military purposes. Although biological weapon or the means used to obtain it are similar, objectives and mode of operation are different. Therefore, the bioterrorist follow in the first place, induction of panic and destabilization of economic, political and social life while military utilization of warfare military agents has aimed the incapacity or destruction of enemy military force[1].

* Lucia Elena IONESCU, biologist researcher at Military Medical Research Centre, Bucharest, PhD student at University of Bucharest, Biology Department. E-mail: ionescu.lucia@gmail.com

** Nicoleta Simona BICHERU, biologist researcher at Military Medical Research Centre, Bucharest, PhD student at University of Bucharest, Biology Departament. E-mail: simonabordea@yahoo.com

Biological weapons, although are prohibited by international legislation (The Convention on Biological Weapons, 1972)[2], represent a real danger by the perspective of a biological war. Biological weapons are a real threat in the contemporary period and are considered one of the main means of mass destruction, due to the seriousness disease that they can result and epidemic or pandemic extension[3]. The scientific medico-military research in the area of the protection against biologic weapons should guide and coordinate the national effort in order to maintain health of the forces, population, animals, plants and surrounding environment[4].

The pathogenic *biological agents* that could be used as biological weapons are numerous, which leads to particular difficulties in developing protective measures and treatment. Whether it is by bacteria or viruses, the effects are destructive, and the means of prevention, diagnosis and treatment are limited. In addition to this category, genetic engineering techniques allow obtaining some germs with new qualities, not found in natural conditions (modified or hybridized) that may be more dangerous in pathogenicity and resistance in the external environment.

It should be noted that some biological agents have lethal and others have only debilitating effect, by removing the human from current activity for a period of time, which can vary from a few hours to a few weeks. It should also be pointed out that there is possible simultaneous use of two or more biological agents, in this case the pathogenic effects are potentiated and difficulty of intervention much higher[5].

It is obvious that bioterrorist attacks are a real threat at present. The manifestation of terrorism has diversified and the range of global terrorism has spread. All this leads to the assertion that biological threat is a reality and accordingly should be strengthened measures to improve preparedness and response to biological attacks which could occur *as ways to counter it*. The majority of the world countries, starting with major world powers, began work improvement, equipment and training and intensified financial effort to obtain necessary resources for fight against terrorism CBRN (Chemical, Biological, Radiological, and Nuclear). Global threat represented by the use of biological weapons by terrorist groups is relatively high and high infectious potential of biological agents can cause devastating number of casualties.

International biological warfare prevention can be achieved through commitments of states in this area, stipulated in international conventions: *The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*[6], 1972, usually referred to as the Biological Weapons Convention, abbreviation (BWC) or Biological and Toxin Weapons Convention (BTWC), agreed by more than 180 countries, *Chemical Weapons Convention* (CWC, 1993)[7] etc.

To succeed in the medical protection against biological weapons, preventive measures must precede any event and public health authorities should implement monitoring systems to recognize a biological attack. The system must be fast, sensitive, specific and practical. To recognize unusual changes in the occurrence of the disease, there must be implemented supervision of the epidemic and any variation must be followed promptly by a direct examination of the facts that generated the change. It is important to note that the recognition of and preparation for a biological attack is similar to that for an ordinary epidemic, but surveillance, response and other resource requirements, certainly, will be of great intensity. A strong public health infrastructure capable of epidemiological investigations and practical training programs are essential in preventing and controlling natural or intentional outbreaks.

An example are U.S. policies that act as both the military and civilian domains, through various forms of training of specialists for combating terrorism, such as during the "Medical Management of Chemical and Biological Attacks Victims" handed to U.S. Army Medical Research Institute of Infectious Diseases (USAMRIID)[8] and U.S. Army Medical Research Institute of chemical defence (USAMRICD) that instructs approximately 560 military medical professionals each year, biological and chemical defence. Through such courses, medical staff learned that medical measures are effective against bacteria, viruses and toxins that could be used as biological weapons against military and civilian communities. The importance of this education is high and it is hoped that specialized staff will acquire knowledge for defence against potential biological hazards.

Specific capabilities of Medical Assistance Directorate of the Ministry of National Defence are

important for health protection against weapons of mass destruction (WMD) and especially against biological attacks. This always has the forces and means for medical protection against chemical, biological, radiobiology, nuclear (CBRN), diagnosis, prevention, treatment and recovery of injured: contagious disease departments, clinical laboratories, antiepidemic laboratories, Military Medical Research Centre (MMRC) etc[9].

1. Molecular biology techniques – part of ways to counter biological weapons attacks

Bioterrorist attack is defined, according to the Centre for Diseases Control and Prevention in Atlanta, USA (CDC), as the deliberate release of viruses, bacteria or other germs, in order to cause disease or death in humans, animals or plants. They can be found in nature, but can be modified to increase capacity to cause infection, making them more resistant to current drug therapy or increasing the ability to be spread into the environment. Biological agents can be spread through air, water or food and usually are difficult to identify. Classification criteria established led to the classification in three categories (according to NATO & CDC)[10].

Category A – germs and/or toxins with high risk (primary) or person to person transmission that can be easily disseminated in population: *Bacillus anthracis*, *Clostridium botulinum*, *Yersinia pestis*, *Variola major*, *Francisella tularensis*, viral hemorrhagic fevers (*Ebola*, *Marburg*), *Lassa* virus, *Machupo* virus.

Category B – germs with medium transmission risk (secondary): *Brucella* sp., Epsilon toxin of *Clostridium perfringens* food security threats (*Salmonella* sp., *Escherichia coli* O157:H7, *Shigella* sp.), *Burkholderia mallei*, *Burkholderia pseudomallei*, *Chlamydia psittaci*, *Coxiella burnetii*, Ricin toxin from *Ricinus communis*, *Staphylococcus enterotoxin B* sp., *Rickettsia prowazekii*, *Venezuelan equine encephalitis* virus, *Eastern equine encephalitis* virus / Western, water security Threats (*Vibrio cholerae*, *Cryptosporidium parvum*).

Category C – germs with low-risk (tertiary): can be any other pathogenic microbes (bacteria, virus, fungus, parasite, etc.), *Nipah* virus, *Hantavirus*, etc.

Military medicine is the first line of defence against biological weapons, with forces and specific resources for diagnosis, prevention, treatment and recovery of patients. Scientific research in the medical and military protection against biological weapons must guide and coordinate the national effort to preserve the health of the troops, people, animals, plants and the surrounding environment[11].

The bioterrorism has been placed as in the context of public health measures focusing on defence in the form of prevention, monitoring and diagnosis of their disease, and improve capability response. Prevention, monitoring and response to bioterrorism should be supplemented by methods of defence against possible threat scenarios. An effective defence requires setting priorities; sing up real-time threat identification and implementation of research agendas, detection and response to counter them.

In the category of military medical importance diseases can be classified infections caused by pathogenic microorganisms with increased risk for civilians and military. In the event of an intentional attack, rapid detection and response to biological terrorism is essential. Public health authorities must have a first efficient infrastructure to enable it to operate under special conditions. Knowledge of epidemiological measures, surveillance methods and diagnostic techniques to be applied are very important to identify and respond to an attack with biological agents known or unknown. Terrorists may use combinations of agents, can attack in one or more locations simultaneously, can use new agents that are not on the lists of bioterrorist agents. It is therefore recommended that these lists always be modified as information becomes available[12].

Intervention in case of bioterrorist attacks is an extremely complex process because it requires the involvement and communication of many people, interaction and correlation of different types of activities. For best results in such situations, we must put first measures to be taken to prevent and respond in real time to a possible biological attack. That is why the training for these situations is very important. Epidemiological investigation in such incidents is essential because it leads to the first control measures of the situation. Diagnosis of infections, specific laboratory tests, pathogenesis, decontamination and treatment represent intervention measures in the case of bioterrorist attacks with biological weapons[13].

2. Biological weapons and molecular biology

Because the range of pathogens used as biological agents is large, there are particular difficulties in developing diagnostic measures, protection and treatment. Ability of laboratories to identify and confirm the presence of biological threat agents has improved significantly in recent decades, methods evolved from the classical ones, which are done only in reference laboratories, to the last generation, that can be achieved under field.

Since bioterrorist threats are increasingly present throughout the world, we should have a modern diagnostic and identification system, allowing us to interfere effectively in crisis situations. Thus, the new immunodiagnostic methods and the molecular analysis of the genes are used today to detect a broad spectrum of biological markers to achieve a fast and accurate diagnosis of a large number of biological agents.

The combination of several diagnostic methods provides safety and confidence in laboratory results, which can guide treatment or following an attack response. On the other hand, cooperation between military and civilian medical services is essential in order to optimize diagnostic technologies, but also to interfere in real time in the case a biological weapon threats. Response team should include experts from many fields (epidemiology, microbiology, medicine, etc.) and have at least the equipment and reagents to enable identification of microorganisms encountered first, to assess the sensitivity of bacteria to antibiotics and to be able make a screening for viral infections[14].

Fast and reliable diagnosis, such as molecular epidemiology for identifying the strain, in other words the source of contamination, can be made only by molecular biology. Molecular biology techniques are currently used to characterize viral and bacterial isolates in microbiological laboratory diagnosis and research, but also in medical protection against bioterrorism agents. In cases in which incriminated pathogens are listed as biological agents, it is necessary to involve military medicine for specific expertise, in order to distinguish between a natural outbreak of a biological attack, especially since in recent years such situations were found in several countries, creating the concept of bioterrorism[15].

3. Molecular biology research for the diagnosis of bacterial and viral biological agents

Laboratory diagnosis of biological agents by molecular methods is a highly complex process and requires specific analysis of microorganisms genome. After isolation and identification, the organism can be characterized as regards of virulence markers, antibacterial and antiviral susceptibility, antigenic properties etc. Today, the availability of a wide range of immunological reagents and the development of molecular biology techniques, allows faster and more specific diagnosis. The main methods of molecular analysis are represented by *Polymerase Chain Reaction* – PCR, *multiplex PCR*, *reverse transcription PCR*, *sequencing* of nucleic acids and *Real Time PCR*.

Current trends in modern diagnosis of biological agents made that the Military Medical Research Centre have a permanent concern for the implementation of some rapid molecular detection strategies to allow efficient development of diagnostic capabilities and respond to potential threats with bioterrorism agents. Therefore, endowment with laboratory modern devices allowed the development of specific working protocols for achieving collection, transport, processing, analysis and identification of microorganisms (bacteria and viruses) by molecular biology.

3.1. Identification of viral biological agents by molecular biology analyses

Tick Borne encephalitis virus – TBEv

Tick encephalitis is an infection caused by an arbovirus belonging to the family Flaviviridae, genus *Flavivirus*. Tick borne encephalitis virus is transmitted through the bite of infected ticks or by milk and dairy products consumption from viremic animals. Arthropod vector is the Ixodes ricinus ticks. In Romania are reported neuroinvazive infections caused by this virus with sporadic outbreaks especially in rural areas from Transylvania. Tick borne encephalitis virus is involved in neurological infections with varying degree of severity. Laboratory diagnosis is made by detection of IgM/IgG specific antibodies or viral nucleic acid in serum and cerebrospinal fluid samples from infected person.

TBE virus identification is made by isolation from vectors *Ixodes ricinus* that represent the natural reservoir of the virus. We are demonstrating

the presence of TBE virus in *Ixodes ricinus* ticks by molecular biology methods: reverse transcription PCR combined with nested PCR, sequencing, *Real Time PCR*.

Viral isolates obtained from ticks collected from goats in households of people diagnosed with the tick encephalitis in Brateiu / Sibiu (1999) outbreak and TBE Hypr Central European reference strain from Reference Centre in Bratislava, were tested by molecular methods. We have demonstrated the presence of TBE virus by obtaining a 178 bp (base pairs) DNA fragment corresponding to 5'noncodant region of tick borne encephalitis RNA virus genome. By sequencing of this fragment, we completed the work methodology for molecular identification of tick borne encephalitis virus. Collaboration with the Laboratory of Vector-Borne Infections and Medical Entomology – "Cantacuzino" National Institute of Research and Development for Microbiology and Immunology – led to the identification of TBE virus by *Real Time PCR* technique for samples analyzed and proved accuracy of serologic diagnosis in the outbreak of 1999 for human infections[16].

West Nile virus (WNv)

Fever / West Nile encephalitis is one of the most widespread disease caused by an arbovirus, which belongs to the family Flaviviridae, genus Flavivirus. The virus has an RNA genome type, containing nearly 11,000 nucleotides. Main transmission cycle of *West Nile* virus is mosquito – bird – mosquito. Human is an accidental or tangential host. It is transmitted to humans by mosquitoes, particularly *Culex* genus.

The main natural reservoir of the virus is the migratory birds. *West Nile* virus circulation in our country has been reported since the early 1966 - 1967 by detection of specific antibodies in migratory birds coming from Africa in the Danube Delta. In 1996, an outbreak was registered in Bucharest and the Danube Plain, with 500 clinical cases and a mortality rate of approximately 10%[17].

The subclinical or asymptomatic manifestation of infection requires performing laboratory diagnosis because clinical signs of infection are nonspecific. Serological tests remain the main methods of diagnosis of infection with *West Nile* virus. Standard serological test is neutralization reaction plate, which is used both to confirm infection and to assess neutralizing antibody specific to *West Nile* virus in serum or cerebrospinal fluid. *West Nile* virus identification is achieved by reverstranscription PCR, sequencing, Real Time PCR, antigen detection tests, immunohistochemical methods.

The optimization of molecular methods used for the detection, identification and characterization of *West Nile* virus strains circulating in Romania were performed on reference strain *West Nile* Egypt 101. We are obtained a 408pb specific fragment for *West Nile* virus genome. By sequencing of the region have completed work methodology for molecular identification of *West Nile*[18] virus. Collaboration with the Laboratory of Vector-Borne Infections and Medical Entomology – "Cantacuzino" National Institute of Research and Development for Microbiology and Immunology – led to the identification of *West Nile* virus by *Real Time RT-PCR*.

3.2. Identification of bacterial biological agents by molecular biology analyzes

Bacteria are biological agents that can be easily multiplied, stored, conditioned as weapons and disseminated.

Bacillus anthracis is one of the favourite species of microorganisms for biological attacks and bioterrorism, by the side of other biological agents identified as being a potential threat. *Bacillus anthracis* is a virulent, toxygene and spor-forming bacteria. Because has it high resistance in the environment and can be multiplied easily, it is a preferred microorganism for use as bioterrorist agents.

The contamination with *Bacillus anthracis* produces anthrax, infectious disease common to several species of animals, transmissible to humans, characterized clinically by evolving acute fever, circulatory and digestive disorders, followed by death. *Bacillus anthracis* has a DNA genome type, consisting of two plasmids, pXO1 and pXO2. PXO1 plasmid carrying the toxin and encoding genes that produce secreted exotoxin. PXO2 is the smallest plasmid bearing capsule and encodes 3 genes (capB, capA, capC) involved in poliglutaminic capsule synthesis. Modern methods of identification and characterization of bacteria compared to the conventional methods, presents the advantage of a quick diagnosis more sensitive and specific.

Molecular study methods used to identify *Bacillus anthracis* agent targeting fragments

of genes encoding capsule and toxin synthesis. Laboratory diagnosis is made by detection of specific antibodies (IgM / IgG) or bacterial nucleic acid (DNA) in serum, cerebrospinal fluid, bacterial culture, tissue or other biological samples. Rapid identification of *Bacillus anthracis* strains was performed by methods of molecular biology: PCR – Polymerase Chain Reaction (the fragment obtained has 596 base pairs corresponding to the region pag – gene encoding the protective antigen – PA63, component of toxin)[19], sequencing and real time PCR. Collaboration with the Laboratory of Vector-Borne Infections and Medical Entomology – "Cantacuzino" National Institute of Research and Development for Microbiology and Immunology, led to the identification of *Bacillus anthracis* strains by *Real Time PCR*[20] methods.

Molecular analysis methods and operating procedures, adapted and implemented by our team in medical-military activity of biological agents in analytical laboratory can be applied to any biological agent (using commercial kit and appropriate reagents) to identify and confirm them.

Conclusions

The main ways to counter possible attacks with biological weapons are: improving the preparation, monitoring and response, endowment with specific systems for fighting against bioterrorism, increased laboratory capacity to identify a biological agent and to deal with crisis situations. Medical protection against biological weapons is a priority task for military medicine and the health system in Romania.

Military Medicine is in the first line of defence against biological weapons with forces and specific resources for diagnosis, prevention, treatment and recovery of patients. Identifying and responding to an attack with biological agents, known or unknown, involves knowing epidemiological measures, methods for monitoring and diagnostic techniques that to be applied.

The Military Medical Research Centre implemented rapid molecular detection strategies that have allowed the development of effective diagnostic capabilities and respond to potential threats to biological agents. Laboratory facilities with modern equipment allowed the development of protocols for achieving the collection, transport,

processing, analysis and identification of biological agents (bacteria and viruses) by molecular biology laboratory and field conditions. MMRC is involved in health protection measures against biological weapons by research tasks and the medical-military attributions with fixed laboratory (at the base), with laboratory and field deployable (mobile intervention biological team), the order of the General Staff or the Medical Department or any Foreign Theatre of Operations in the Alliance.

NOTES:

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THE CONFLICT OF VALUES IN THE MUSLIM WORLD AND ITS IMPACT UPON SECURITY

Iulian CHIFU, PhD*

Nowadays world is being confronted with a real conflict of values on one side between the extreme freedom of expression and tolerance for alternative point of view, and on the other side values like cohabitation, respect, common sense, self censorship, political correctness, civilization and, once again, tolerance. When exaggerated liberty provokes violence and death, unrests and societal clashes of civilizations, the conflict of values becomes more and more important and basic values of democracy and human rights, minorities and religious rights are at stake.

The current analysis brings forward concrete cases, such as Salmon Rushdie, the caricatures published in "Jyllands-Posten" newspaper, of burning the Koran and the film "Innocence of the Muslims" that re-launched the debate in the Western capitals about the perspectives of the multiculturalism and tolerance in Western societies and how much the liberal democratic values can accept being influenced by the interference with the Islam and its sensibilities especially when it is about free speech, free choice and expression, but also very specifically about the artistic presentation of the Prophet.

Keywords: multiculturalism; freedom of speech; self censorship; political correctness; radicalization; violence.

1. The Salman Rushdie Case: Launching the Debate in the Conflict of Values

It is obvious that, in the current state of globalization, values, rights and behaviours that we cherish in the Western society can be in conflict with those promoted by any other type of society. The most debated situation in the past years is that in which religious beliefs or of a group of persons comes in conflict and even brings offence to that of another person or group of persons.

The first case to make headlines and open the debate, which is still valid now, is "The Satanic Verses" novel of Salman Rushdie. This is the most famous case when the limits of free speech were at stake and multiculturalism was used for imposing limits to challenges of the free spirit in the name of social cohesion and unity, political correctness and respect for the sensitivies of a community of believers. Ultimately, this led to phenomenon of self-censorship that is affecting the Liberal structure of the democratic society and is asserting tolerance and civilization as values against free speech and. The whole process touches upon the basic substance of the Liberal democratic society.

The conflict of values enshrines several components in the debate. On one side, we could list **multiculturalism** − in the sense of a society,

* Iulian CHIFU, PhD associate professor is presidential councilor with the Romanian Presidency for Strategic Affairs, Security and Foreign Policy, associated professor at the National School of Political and Administrative Studies, Bucharest and "Titu Maiorescu" University in Bucharest, Romania. E-mail: iulian.chifu@presidency.ro

which respects the diversity by avoiding to challenge it through the limitation of reactions to ethnocentric views and segregate behaviour. This behaviour occurs within closed groups that refuse integration and to accept responsibility for the colonial era, being intolerant towards co-citizens with other faiths and ways of life.

Basically, we are talking about **the power of the liberal society** to define itself, and its free spirit and diverse ideas or one that accepts to be defined by the others and condemns to death the thinkers, reacting with violence to art and controversial creations. **Tolerance and accepting diversity** is a common set of values for both groups, so there is a ground for building a solution to this controversy.

From a Surreal Novel to a Theological Debate

In 1988, the British-Indian author Salman Rushdie published his fourth novel, "The Satanic Verses". The book charts the adventures of two Indian actors, Gibreel and Saladin, who fall to earth in Britain when their Air India jet explodes. Some of the adventures in the book feature a character based on the prophet Muhammad, which shows both him and his transcription of the Koran in a light that drew criticism from Muslim leaders. The book includes a dream sequence with prostitutes impersonating the wives of Mohammed. It also refers to Mohammed as Mahound, a demon in Christian morality plays.

The story was an allegory and a surreal novel rather than a theological approach or interpretation that would deserve reactions. However, the taste or limits of the exploration of the human mind caused reactions and people should discuss it. But the condemnation of a writer for its lack of respect or nonconformism should not lead to his condemnation to death.

Mr. Rushdie's book, which was first banned in India, in the fall of 1988, and prompted riots in Pakistan in early 1989 just before coming under Ayatollah Khomeini's edict, shocked Muslims in many countries. Accusations of blasphemy and demonstrations by Islamist groups in Pakistan and India took place.

On 14th February 1989, the orthodox Iranian leader Khomeini officially condemned the book. Khomeini issued a *fatwa* against the author and a bounty was offered to anyone who would execute him.

After nine years in hiding, the Iranian government declared in 1998 that it was distancing itself from the reward offered for the killing of Rushdie[1]. Since 2000, Rushdie has lived in New York, and in 2007 he began a five-year term in Emory University in Atlanta, Georgia, as a distinguished writer in residence. Rushdie was knighted in 2007 – a move which was criticised by the Iranian government, Pakistan's parliament and al-Qaeda[2].

The Rushdie affair is, however, an original issue used for domestic affairs in Iran. A power struggle between moderates and conservatives in Iran led to the extremist reactions that put at stake the free speech limits in a democracy. It is becoming like ritual in Iran that every year on the anniversary of the *fatwa* the conservatives reiterate the death sentence against Salman Rushdie should warn their moderate rivals against any compromise. Therefore, it is no surprise that Ayatollah Hassan Sanei, the leader of the religious foundation that offered the original reward for killing Mr Rushdie, stated that the offer still stands[3].

"As long as the exalted Imam Khomeini's historical fatwa against apostate Rushdie is not carried out, it won't be the last insult. If the fatwa had been carried out, later insults in the form of caricature, articles and films that have continued would have not happened,"[4] the paper quoted Saneei. Iran's hardliners say Khomeini's fatwa is "irrevocable".

But what is different this time is the fact that the government of the reformist President, Mohammad Khatami, for the first time publicly committed himself to do nothing to carry out the death threat and distanced himself from the reward.

The conservatives are opposing President Khatami's efforts to improve relations with the West and with the United Kingdom in particular. They know that the West is sensitive about the fate of Mr. Rushdie and they deliberately insist on implementing the *fatwa* in order to thwart Mr Khatami's efforts. The origin of the story can be said to be use of some Iranian political party made of Rushdie story for internal purposes, a country that had nothing to do with story.

The Iranian Foreign Minister publicly divorced his Government from the death threat imposed on the British author Salman Rushdie in 1989 by Ayatollah Ruhollah Khomeini, and Britain responded by restoring full diplomatic relations.

«The Government of the Islamic Republic of Iran has no intention, nor is it going to take any action whatsoever, to threaten the life of the author of "The Satanic Verses" or anybody associated with his work, nor will it encourage or assist anybody to do so,»[5] the Iranian Foreign Minister, Kamal Kharrazi, said in a statement. Mr. Kharrazi's remarks followed comments made in New York by Iran's President, Mohammad Khatami, who told reporters that the Rushdie affair was "completely finished".

But it didn't last. "The Satanic Verses" story has a sustainable effect and is coming back each time a similar issue appears in the media. This was the case of the film "Innocence of the Muslims".

A semi-official religious foundation in Iran has increased the reward it had offered for the killing of British author Salman Rushdie to $3.3 million (from $2.8 million) days after protests coursed through the Muslim world over alleged insults to the Prophet Muhammad. Hardline Jomhoori Eslami daily and other newspapers[6] reported that the move appeared to be linked to protests over an amateur anti-Islam film, which crowds in some 20 countries said drove them to defend their faith – in some cases by attacking American embassies.

Self censorship and political correctness still continues in Rushdie's affair

The terror of Ayatollah Khomeini's *fatwa* has faded, but the challenge it posed to artistic freedom has not. Indian authorities have shown that "The Satanic Verses" ban is still valid in India. Religious sectarians and cynical politicians were once again using Rushdie's novel for political reasons, in order to whip the faithful into line. In January 2011, the affair was also used for electoral purposes. Although Rushdie had visited India many times since 1989 without incident, Muslim leaders saw a chance to create a controversy and told the festival organisers that they must not allow "an enemy of Islam"[7] to speak.

In the city of Jaipur in India, the country of Salman Rushdie's birth, the author of "The Satanic Verses" was one of more than 250 writers from around the world who had agreed to speak at the Jaipur Literary Festival, the largest such gathering in South Asia, and probably the most eagerly awaited. But a few days before the festival was to begin on Jan. 20, Maulana Abul Qasim Nomani, a cleric at the Darul Uloom Deoband, a prominent Islamic seminary in the north Indian state of Uttar Pradesh, caused a stir by declaring that the Indian government should have denied a visa to Rushdie, who, because of his depiction of the Prophet in his novel "The Satanic Verses", was "a person whom the Muslims of the world hate".[8]

Uttar Pradesh, India's largest state was ready to go to the polls in April this year. It is home to a substantial chunk of India's 160 million Muslims, a bloc being courted by all the major parties of the state. In that context, Rushdie was banned from the festival through the interdiction of reading from its novel. This is not new, since in 1988, after demonstrations against "The Satanic Verses" by Indian Muslims, the government banned importations of the book adding that "the ban did not detract from the literary and artistic merit of Rushdie's work"[9]. India is one of the very few countries in the world where the ban stands, placing it alongside Egypt, Pakistan, Iran, Malaysia, Liberia and Papua New Guinea, among others.

The situation was even more visible when four writers present at the festival decided to use their time to read aloud passages of "The Satanic Verses", as a gesture of protest at Rushdie's de facto exclusion. The news spread fast and within minutes it was being broadcasted all over the world by the massive press contingent present at the festival.

Sir Salman Rushdie has said he does not think his 1988 novel "The Satanic Verses" would be published today because of a climate of "fear and nervousness". "A book which was critical of Islam would be difficult to be published now". Salman Rushdie said writers were still being attacked for their works in Muslim countries including Turkey, Egypt, Algeria and Iran.

"If you look at the way in which free expression is being attacked by religious extremism, the things of which these people are accused is always the same – it's blasphemy, heresy, insult, offence – it is this medieval vocabulary. We are in a difficult place because there is a lot of fear and nervousness around".[10]

The debate launched by Rushdie and the Indian episode were constituted around the sustainability of "The Satanic Verses" affairs, once the first steps of the controversy were launched. Both moments – the issue of the *fatwa* and the reaction of Indian officials – are linked to the political and electoral

moments and rational, but proved to create serious emotional reaction, extreme violence and religious driven criticism of a "war against the Islam". This was based on frustration and the sense of oppressed that Muslims had as a follow-up of the colonial period.

These emotions were very carefully used and channelled in order to give advantages to the politicians involved in their domestic disputes and international search for legitimacy. Radical political Islam took the best of the episode and succeeded even in creating a policy of fear of the West[11]. This policy of fear was doubled in the West by the same feelings and the announcement by three of the major European leaders that multiculturalism has failed – James Cameron, Angela Merkel and Nicolas Sarkozy.

Was self censorship and political correctness of the multicultural approach a good response to the need for cohabitation and observing the sensibilities of the Islamic community of the world? Is it "civilized" to avoid controversies for the sake of respecting sensibilities of the others? Or is it this a way of altering and giving up the basic values of the liberal democracy that forged modernity?

The most important fact is that both parts are referring to tolerance as a value: on one side, it is about tolerance for the freedom of expression, for free circulation of ideas, for protests without violence and refraining from extreme reactions, banning blasphemy from the applied religious and administrative sanctions. On the other side, tolerance is used as a means to let the other accept a different way of life of a community that does not want specifically to integrate in the Western norms and rules that wants to conserve the habits of religious preeminence over administrative life.

The impact of Rushdie affair in Western Societies

In the last years, there were expressed certain opinions that a violent reaction to artistic creation is a matter that belongs only to Islam countries. Far from being true, it seems that the reactions to "The Satanic Verses" were just as important in Western states, specifically in those areas where Muslim communities are important. It happened in the Northern town of Bradford, on January, 14, 1989, when, following the burning of the book, the country's largest bookseller decided to withdraw the book from all the bookshops in the area. Wise idea? Self censorship? Respect for the susceptibilities of a community? The understanding of multiculturalism by the respect for the sensibilities of that community? We never know, the fact is that, on the same day, Muslim leaders demanded Islamic law for family matters.

The British authorities demonstrated that they would abandon liberal values for the false promise of a quiet life. That decision has resulted, according to a lot of liberal sources in UK, in a situation where British citizens blow themselves up on buses and subways and plot to take down passenger jets[12]. James Forsyth, but also many others, believed that the signal given by tolerating the burning of Salman Rushdie's books on the streets of Bradford and the retreat of the books from bookshops was a first step towards loosing control over the development of home grown terrorists. UK participation in the Iraq war and domestic inequality were not enough to ignite and let develop some 70 terror plots in Great Britain, that found itself in the situation of being forced to deal with attacks in the very core of London.

A direct link could not be made and, for sure, there is a kind of excessive logic inside this reasoning, but the fact is that those attacks took place and that home grown terrorist, self radicalized lone wolfs were there, or even whole communities radicalized around mosques where radical preachers praised the orthodox Islamic faith and even Jihadism – as proved by the expel of some of those Imams. That is a fact and no pragmatic analysis can ignore it. For Great Britain, the enemy within is a reality, and domestic inequality cannot explain why some Britons are driven to kill their neighbours.

And if the problem is the fact that at some moment UK did not stand up for liberal values? If the nuance introduced to political correctness, self censorship, civilization of the ones that respect the sensibilities of the Islamic community is a part of the explanation for those developments? No one could tell, but this is difficult to reject a priori. And Salman Rushdie as a symbol and the first case of this clash of civilizations could represent the turning point of the badly understood multiculturalism which could mean ignoring our own basic, fundamental democratic liberal values.

In 2006, a poll showed that young British Muslims believe in surprising numbers, 31

percent, that their country's foreign policy justifies terrorist attacks[13]. In Bradford, "The Satanic Verses" were burnt because the book was regarded as blasphemous. The situation became even more disturbing after Iran's Supreme Leader Ayatollah Khomeini called for Rushdie's head on February 14, 1989. The call was frequently repeated in Britain, despite a British law that makes incitement to murder punishable by a maximum of life imprisonment.

According to the liberal thinkers, the end result of the Rushdie affair was a lost opportunity to show that British citizens must obey the law of the land. Within the Muslim community, the moderate position had been undercut and the standing of the more radical elevated. Under Iqbal Sacranie, who from 2002 to 2006 headed Britain's biggest Muslim organization, the Muslim Council of Britain, stated that "death is perhaps too easy for Rushdie".

During the 1990s, London became the gathering point for Islamic terrorists. Europeans and Washington, as well, complained that the British were tolerant of the presence of radical Muslims. After 9/11, the British attitude shifted radically and some 93 percent supported reactions to protect the citizens from terrorist attacks. But the poison had already spread. Polls revealed that 57 percent of British Muslims regarded the campaign against the Taliban as a war on Islam, 40 percent thought those Britons who went to fight with the Taliban were justified, and 15 percent viewed the attacks on the Twin Towers as in some way warranted. In those conditions, the Salman Rushdie case stood as an important warning signal that deserved to be considered far more attentively.

2. Another example illustrating the conflict of values: "Jyllands-Posten" cartoons controversy

The "Jyllands-Posten" Muhammad cartoons controversy began after 12 editorial cartoons were published in the Danish newspaper "Jyllands-Posten" on 30 September 2005, most of which depicted the Islamic prophet Muhammad. The newspaper announced that this publication was an attempt to contribute to the debate regarding criticism of Islam and self-censorship.

Members of 16 Danish Muslim organizations condemned "Jyllands-Posten", claiming the newspaper acted provocatively and insulted Muslim sensibilities. The Palestinian representative in Denmark and ambassadors from 10 countries with Muslim populations sent a letter to the former Danish Prime Minister, Anders Fogh Rasmussen, on 12 October 2005, demanding a meeting with him and urging action against "Jyllands-Posten". Fogh Rasmussen has later declined the meeting.

The Danish Prime Minister spoke out against "attempts to demonize groups of people on the basis of their religion", but said Denmark is committed to freedom of speech. The government answered the ambassadors' request for a meeting with Rasmussen only by a letter: "The freedom of expression has a wide scope and the Danish government has no means of influencing the press. However, Danish legislation prohibits acts or expressions of blasphemous or discriminatory nature. The offended party may bring such acts or expressions to court, and it is for the courts to decide in individual cases"[14].

The ambassadors maintained that they had never asked for "Jyllands-Posten" to be prosecuted; possibly, the non-technical phrase of the letter, "to take the newspaper to task under law", meant something like "to hold newspaper responsible within the limits of the law"[15]. Rasmussen replied: «Even a non-judicial intervention against "Jyllands-Posten" would be impossible within our system»[16].

Danish Muslims travelled throughout the Middle East in November and December that same year to tell people about the cartoons and call for protest. They carried with them not only the published cartoons, but also a few others – even more offensive – that "were sent to them by private Danish citizens".

The cartoons were reprinted in newspapers in more than 50 other countries over the following few months, further deepening the controversy, although the bulk of the reprints took place after the large scale protests in January and February of 2006[17]. Newspapers in the U.S., France, Germany, Spain, Italy, the U.K., Iceland, Belgium, Switzerland, Hungary, Greenland, Bulgaria, Portugal and Jordan reprinted the cartoons on the 2nd of February 2006, claiming to defend freedom of speech and the right to publish. The managing editor of "France Soir", a Paris daily, is fired over his decision to run the cartoons under the headline "Yes, we have the right to caricature God".

Muslims held protests across the Islamic

world, some of which escalated into violence with instances of police firing on crowds of protestors resulting in a total of more than 100 reported deaths[18], including the bombing of the Danish embassy in Pakistan and setting fire to the Danish embassies in Syria, Lebanon and Iran, storming European buildings[19], and burning the Danish, Dutch, Norwegian, French and German flags in Gaza City[20].

Danish Prime Minister Anders Fogh Rasmussen described the controversy as Denmark's worst international crisis since World War II[21]. UN Secretary General Kofi Annan urged newspaper editors around the world to stop republishing the cartoons. "It is insensitive. It is offensive. It is provocative, and they should see what has happened around the world", he declared. U.S. President George W. Bush also called for an end to the violence. "We reject violence as a way to express discontent with what may be printed in a free press", he stated. In a statement, Prime Minister Stephen Harper said he regretted the publication of the Muhammad cartoons in Canadian media outlets, and commended "the Canadian Muslim community for voicing its opinion peacefully, respectfully and democratically".[22]

The legal action came two weeks after Denmark's top prosecutor declined to press criminal charges against the paper, on 30th March 2006, saying the drawings that sparked a firestorm in the Muslim world did not violate laws against racism or blasphemy. The newspaper won the case, which proved to be a real case for freedom of press. The Danish prime minister won the legitimacy by standing up for the basic liberal democratic values and became NATO Secretary General in 2009.

Critics of the cartoons described them as Islamaphobic, racist[23], or baiting and blasphemous to people of the Islamic faith, possibly intended to humiliate a Danish minority, or were a manifestation of ignorance about the history of Western imperialism. Supporters generally said that the publication of the cartoons was a legitimate exercise of the right of free speech, whatever the validity of the expression itself. Many argued that Muslims were not targeted in a discriminatory way, since unflattering cartoons about other religions (or their leaders) are frequently printed[24].

Flemming Rose, culture editor with "Jyllands-Posten", commented in the original text accompanying the cartoons: "The modern,

secular society is rejected by some Muslims. They demand a special position, insisting on special considerations on their own religious feelings. It is incompatible with contemporary democracy and freedom of speech". On 19 February 2006, Rose explained his intent further in "The Washington Post": "The cartoonists treated Islam the same way they treat Christianity, Buddhism, Hinduism and other religions. And by treating Muslims in Denmark as equals they made a point: We are integrating you into the Danish tradition of satire because you are part of our society, not strangers. The cartoons are including, rather than excluding Muslims"[25].

Prohibition against drawing Muhammad?

The real clash of civilizations happened not only between Islam and Christian countries, but inside Western societies. And the claimed War on Terrorism seems to have as a side effect this apprehension of escalating any controversy or act considered to be against religion into a huge *casus beli* for the Muslims all over the word. We have to note here that some 6 month and huge protests by Muslim countries were needed, plus a trip of the Danish Muslim Community, which has done more than showing the cartoons in order to obtain the reaction of the Muslim Word at a level of violence that deserved the political intervention of World leaders to calm down the controversy.

The violence of the Muslims and the intolerance of the Islamic countries and communities were once again in the forefront and radical representatives used the moment for personal agendas. On February 17, Mohammed Yousaf Qureshi, the Imam of a mosque in Peshawar, said he would offer a 1.5 million rupee reward to those who killed one of the cartoonists that portrayed the Prophet Muhammad. The precedent of the reward for the killing of Salman Rushdie acted in this case, for the benefit of this obscure Islamic preacher.

On 21st April, more than half a year after the cartoons were published, Al-Qaeda deputy leader Ayman al-Zawahiri called in a video for revenge attacks on Danish targets. "I urge and incite every Muslim who can harm Denmark to do so in support of the Prophet, God's peace and prayers be upon him, and in defence of his honourable stature"[26], al-Zawahiri said, quoted by Intel Center, a U.S. group that monitors al-Qaeda messages. No surprise that, after such a big debate and hundreds of victims in

violent clashes, Al Qaeda also stepped in, trying to get some dividends for the terrorist organization.

Free speech seems to have limits in the Muslim societies. According to the Imams, and to some interpretations of the Quran, insulting Muhammad is considered one of the gravest crimes. Some interpretations of the Shariah, in particular of the relatively fringe Salafi (Wahabi) group states that any insult to Muhammad deserves death penalty[27].

However, the Organization of the Islamic Conference has denounced calls for the death of the Danish cartoonists. OIC'' Secretary General Ekmeleddin Ihsanoglu stated in a press release: "The Secretary General appeals to the Muslims to stay calm and peaceful in the wake of sacrilegious depiction of Prophet Muhammad which has deeply hurt their feelings. He has stated that Islam being the religion of tolerance, mercy and peace teaches them to defend their faith through democratic and legal means[28].

Clearly, violent responses to perceived injury are not integral to Islam. Every chapter of the Quran begins with the words "In the name of Allah [God], the most compassionate, the most merciful". The Prophet Mohammad (PBUH) is referred to as Rehmatul-lil-Alameen, or "the one bringing compassion for all worlds". After announcing his prophethood, the Prophet Mohammad (PBUH) prayed for those who insulted or opposed him[29].

The fact is that two years later, the author of the cartoons was targeted by a terrorist attempt. The Danish Security and Intelligence Service said police arrested a 40-year-old Dane of Moroccan origin and two Tunisians in the Aarhus area of western Denmark on 13th February 2008, following lengthy surveillance. The Danish citizen is charged with a terrorism offence, the intelligence service said, and the Tunisians will be deported. Police have not yet released the names of the three.

The target of the plot, the intelligence service said, was the cartoonist for the Danish newspaper "Morgenavisen Jullands-Posten", which first published the controversial drawings in September 2005. The paper identified the cartoonist as Kurt Westergaard.

"Not wanting to take any undue risks [the intelligence service] has decided to intervene at a very early stage in order to interrupt the planning and the actual assassination", the statement by Jakob Scharf, the agency's director general, said.

"Thus, this morning's operation must first and foremost be seen as a preventive measure where the aim has been to stop a crime from being committed".

Westergaard has previously stated that he wanted his cartoon to say that some people exploited the prophet to legitimize terror. However, many in the Muslim world interpreted the drawing as depicting their prophet as a terrorist.

Westergaard remains under police protection and does not know for how long it will continue. "I could not possibly know for how long I have to live under police protection; I think, however, that the impact of the insane response to my cartoon will last for the rest of my life", he said. "It is sad indeed, but it has become a fact of my life".[30]

There have been several attempts on the life of Kurt Westergaard and his wife. According to Stratfor, successive evaluations on the matter, including by the Somali, said to be associated with the al-Shabbab group, who has recently been convicted in Copenhagen. In January, 2010, he broke into Westergaard's home, and was shot and wounded by Danish police while pursuing the artist with an axe.

The most recent of several terrorist plots described by Stratfor came to light on December 29, when police in Denmark and Sweden arrested five men with a variety of ties to Iraq, Lebanon, and Tunisia. The men were allegedly planning an armed assault on the offices of "Jylland-Posten" in Copenhagen and were said to have obtained a pistol and submachine gun equipped with a sound suppressor, and to possess flexible handcuffs – indicating that they intended to take hostages in a theatrical operation.

Other recent plots involving depictions of Muhammad include the March 2010 arrest in Ireland of seven people with Middle Eastern and North African backgrounds, in connection with an alleged plot to kill Lars Vilks, the Swedish artist who depicted Muhammad as a traffic-circle (or roundabout dog). An American woman, Colleen LaRose – known online alias "Jihad Jane" –, was arrested by the FBI while returning to the US from Ireland in November. In early February, she pleaded guilty to a series of federal charges that included a plot to kill Vilks.

One of the most alarming attacks so far connected with the cartoon controversy was the suicide-bombing in Stockholm on December 11

by Taimour Abdulwahab, an Iraqi-born Swedish citizen. Fortunately, the attack, which could have been devastating, was frustrated when his explosives went off prematurely, killing only himself[31]. In an e-mail sent to the Swedish News Agency shortly before his attempted atrocity, Abdulwahab referred explicitly to Vilks's pictures, as well as to the presence of Swedish troops in Afghanistan.

Another issue at stake, besides intolerance in the name of Allah or death penalty for insulting Mohammad, is whether drawing the Prophet is a sin in the Islamic belief. Is this a part of the core faith in Islam or is it an way of addressing and an interpretation of religion by groups that use it politically, as did the conservatives in Iran in the case of Salman Rushdie, in an internal domestic political fight?

Traditional Islamic doctrine offers little explanation for this violent response. There is no explicit ban on figurative art in the Quran, and representations of Muhammad, though absent from public spaces, appear in illuminated manuscripts up until the seventeenth century; they still feature in the popular iconography of Shiism, where antipathy to pictures of the Prophet is much less prevalent. There are numerous such depictions – faceless or veiled as an indication of his holiness, or even depicted with facial features – in manuscript collections[32].

Malise Ruthven noted[33] that it is only quite recently that Muslims living in the West have begun lodging objections to the reproduction of these images in books. The objections are by no means confined to a militant fringe. Populist sentiment— fuelled by the Salafist or "fundamentalist" trends emanating from the Gulf and Saudi Arabia, has produced a near consensus among a majority of Muslims that representations of the Prophet and other holy figures are forbidden by Islam.

Politics in religion: the use of "Jyllands Posten" cartoons

Politics did play a role in the controversy of Jyllands Posten's cartoons that nearly led to a global religious war between the Islam and the West – and helped fuel the interpretations that the War against terrorism is, in fact, a war of the West against the Islam, a sort of new modern crusade. In any case, if it was not plan as such from the beginning, when teasing the crowds and using

radical interpretations of Islam in order to obtain support for the faith, it happened so 6 months latter, when all the defenders of Islam stepped in and used the controversy for internal purposes.

Statements such as the "Jyllands Posten" cartoons have several tracks. For sure, we are talking here about the fight between on one side believers, Muslim piety and respect for the faith and Muslim militants, defenders of the faith, fighters for "the real Islam" and for the Islamic honour holy war against, on the other side, Western influences. Moderate Islam, tolerance, quiet observance of the rituals and symbols of Islam had to fight with radical Islam, that has to be visible, aggressive, to speak up its faith and look on the other's way of living there religious life, an orthodox Islam that calls for a rigid interpretation of the Quran that does not fit with the multiculturalism and tolerance of other religions and beliefs, but isolates Islamic communities under the control of Radical Imams, preventing them from merging with other neighbour communities.

The rivalries between Salafists and moderates are not the only one at stake here, even though we do have clear examples where the controversy reached the competition in electoral and political fight. Salafists want a return to the "pure Islam" of the Prophet's era, but a pious Salafist response to the cartoon controversy is to refuse to look at blasphemous images and to talk about them and, for sure, to avoid multiplying, distributing or showing them around.

But a part of the Salafists and for sure the militants, the Jihadists, have taken the opposite view, trying to polarize the community, to attract the public support for the wrongdoings and recruit suicide bombers. They are defusing via internet the controversial and images that they claimed are blasphemous and are making threats against artists and publishers who dare to display them in public galleries or on a printed page.

Jihadists prepare a revenge that may highlight their profile, using the issue for their own political purposes, but, as rightly underlined Malise Ruthven, thanks to the combined effects of television and the Internet, the main outcome of their efforts is a quantum leap in the dissemination of the images pious Muslims find most offensive. By drawing attention to them those militants become accessories to the blasphemies they ostensibly seek to repress.

Another line of debate is the one involving authoritarian regimes that used the reactions against the cartoons in order to forge their regimes and to reject any attempt of democratization. This happened before the Arab Spring, when in Egypt and Pakistan such violence was allowed for another category of political reasons, in order to raise the support for an authoritarian leader. Muslim rulers as well as Islamist political parties were both attempting to gain advantage through riots of the Muslim peoples against the Western world. Islamists and authoritarian Muslim rulers both have a vested interest in continuously fanning the flames of Muslim victimhood, based on real or perceived grievances. For Islamists, anger and rage against the West is the basis for their claim to the support of Muslim masses. For authoritarian rulers, religious protest is the means of diverting attention away from economic and political failure[34]. The image of an ascendant West belittling Islam with the view to eliminating it serves as a useful distraction from their country's own weaknesses.

US former Secretary of State Condoleezza Rice has pointed to the role of Syria and Iran in exacerbating the violence over an obscure Danish newspaper's insult against Muslims. Several authoritarian Muslim regimes allied with the US have also used the opportunity to create the impression that their masses are unruly fanatics who cannot be controlled except with an iron hand.

Violent demonstrators in the Pakistani city of Lahore controlled the streets for a day. Egypt, too, allowed angry demonstrations although it normally does not allow its citizens to publicly express their sentiments. After putting down the orchestrated violence, the Mubarak and Musharraf regimes will most likely tell the US to tone down its rhetoric about democratizing the Muslim world. Democracy, they will argue, would only bring Islamists chosen by angry anti-Western mobs into power.

Francis Fukuyama underlined the fact that the ongoing struggle with radical Islam is more a problem for Europe than it is for America[35]. In the United States, Muslim population represents less than 1 percent, when in the Netherlands, 6 percent to 7 percent of the population, and as much as half the population of large cities like Amsterdam and Rotterdam, are Muslim. In France, the percentage may reach 13 percent. Many of the organizers of recent terrorist incidents – including Mohammed Atta, the September 11 ringleader; the March 7 Madrid bombers; Mohammed Bouyeri, assassin of the Dutch filmmaker Theo van Gogh; and the July 7 London bombers – were radicalized not in the Middle East, but in Western Europe. Many, like Bouyeri and the London bombers, were second-generation citizens who spoke their adopted country's language fluently.

Fact is that the problem of integrating moderate Muslims in Western societies, avoiding populist side effects – that gave birth to terrorists like Brevik in Norway and to right wing nationalist terrorists in Germany – is pressing as we have to understand that multiculturalism does not mean leaving Muslim communities in isolated ghettos, which then become fertile grounds for the growth of a highly intolerant version of Islam.

As Fukuyama put it, the problem that most Europeans face today is that they do not have a vision of the positive cultural values their societies stand for and should promote, other than endless tolerance and moral relativism.

What each European society needs is to invent an open form of national identity similar to the American creed, an identity that is accessible to newcomers regardless of ethnicity or religion. The norms of integrating and accepting immigrants in Europe are far from offering the Muslim immigrants a status of equal footing for those welcomed in European societies, as is the case for the American immigrants.

"Time is getting short to address these questions. Europeans should have started a discussion about how to integrate their Muslim minorities a generation ago, before the winds of radical Islamism had started to blow.

The cartoon controversy, while beginning with a commendable European desire to assert basic liberal values, may constitute a Rubicon that will be very hard to re-cross. We should be alarmed at the scope of the problem, but prudent in responding to it, since escalating cultural conflict throughout the Continent will bring us closer to a showdown between Islamists and secularists that will increasingly look like a clash of civilizations"[36], said Fukuyama in a prophetic statement that is meant to offer European food for thought and to add to the conflict of values that is now so prominent in our word.

3. Extremism builds extremism: Burning the Quran in Florida and attacks in Mazar i Shariff

A case-study of extremism that escalates happened in Mazar I Sharif, otherwise one of the calmest regions of Afghanistan, never subject to terrorist attacks and less exposed to violence. Stirred up by three angry Mullahs who urged them to avenge the burning of a Koran in a Florida church, thousands of protesters overran the compound of the United Nations in this northern Afghan city on Friday, killing at least 12 people.

Terry Jones, a Florida pastor, caused an international uproar by threatening to burn the Koran in 2011 on the anniversary of the September 11 attacks. Among others, the overall commander of forces in Afghanistan, Gen. David H. Petraeus, had warned at that time that such an action could provoke violence in Afghanistan and could endanger American troops. Mr. Jones subsequently promised not to burn the Koran, but he nonetheless presided over a mock trial and then the burning of the Koran at his small church in Gainesville, Florida, on March 20, with only 30 worshipers attending[37]. In early January 2011, Mr. Jones – presented by Christine Fair[38] – not as religious scholar, but rather a homophobic, Islamophobic used furniture salesman – announced, that he would hold an "International Judge the Koran Day", during which the Quran would be tried for murder. On March 20, 2011 Mr. Jones served as the judge in this "trial of the Koran", which also featured a mock prosecutor, defence attorney, and witnesses. The Quran was found guilty after which it was doused with kerosene and burnt".

The Mazar-i-Shariff **episode began 10 days** later, when three Mullahs, addressing worshipers at Friday Prayer, 1st of April, inside the Blue Mosque here, one of Afghanistan's holiest places, urged people to take to the streets to agitate for the arrest of Terry Jones, the Florida pastor who oversaw the burning of a Koran. Mullah Mohammed Shah Adeli said that Afghanistan should cut off relations with the United States. "Burning the Koran is an insult to Islam, and those who committed it should be punished"[39], he said.

Afghans chanted anti-American slogans during a demonstration to condemn the burning of a copy of the Muslim holy book that turned into a riot that stormed UN headquarters in the city and finished with the killing of some 8 workers in the diplomatic representation of the UN that dealt only with projects for development and support for the local population. One of the victims of the slaughter was the Romanian head of mission ad interim, Filaret Motco, who was beheaded.

Local police blamed what they said were Taliban infiltrators among the crowd for urging violence and even distributing weapons; 27 suspects were arrested on charges of inciting violence, some from Kandahar and other provinces where Taliban are the majority polulation[40].

Both gestures were as extreme as they could be. As Robert Dreyfuss put it, "if we're going to war against religious extremists – and let's face it, crazies – it's a toss-up whether to invade Florida or Afghanistan. I'm not in favour of either one, but the United States has picked Afghanistan, leaving the crazies in Florida a free hand"[41].

It is not about a clash of civilizations, once again, but taking profit of the easy way of using a population so reactionary and vulnerable to religious extremism is a strategic mistake that seems to need a reaction inside our very society in order not to expose soldiers and to win hearts and minds far away. It is very difficult to do so if there is no common understanding at home and mature assuming of the fact that any gesture that could bring some publicity based on its heavy impact on the public could harm soldiers of the nation far away. In that particular case, even not soldiers, put humanitarian workers in development UN projects, none of them being American.

What's happening is a textbook case of extremism begetting extremism. Like the Arab-Israeli conflict, where radical Israeli settlers carry out an extremist agenda, only to inflame radical Palestinians into carrying out suicide bombings and atrocities such as the recent massacre of an entire family of Jewish settlers, including babies, in Afghanistan Islamic fundamentalists are reacting mindlessly to a provocation in Florida.

It is not the only case of extremism against Islam in the West. On February 12, 2009, the right-wing Dutch politician Geert Wilders travelled to England's House of Lords for a screening of his short film, "Fitna". A few hours after his arrival at Heathrow, the Member of Parliament was detained and sent back to his native Holland, where he is now on trial for hate speech and faces up to sixteen months in prison. Shortly after his detention,

British Home Secretary Jacqui Smith wrote a letter to Wilders justifying the ban, explaining that his comments "about Muslims and their beliefs ... would threaten community harmony and therefore public security in the [United Kingdom].[42]"

Blame game: the conflict of values in the Western society

Who is to blame? It seams none or everybody. Fact is that a conflict of values is still in place in this case, too. On one side, there is the free speech and free exercise of the religious beliefs, including the questionable ones. Second, it is about responsibility, pure and simple individual responsibility for you fellow citizen, your ally or even the human being near you. But this cannot be found in norms and laws, but rather in the common sense of each person. And we cannot charge a guy for not having common sense.

What else can be done? Should we blame the Afghans for not being informed and falling in the hands of a religious manipulation of their leaders? This is religious freedom as much as the actions of Terry Jones and Gert Wilders. The democratic system seems to have failed and new areas and ways of improving our democracy have to be brought back in the debate.

Many Afghans do not realize that these few do not stand for the majority of Americans, who respect Islam and vocally condemn the desecration of a holy book by a rogue, publicity-seeking pastor. And that Americans feel overwhelming shame and outrage at the killing of innocents at the hands of U.S. soldiers, a sentiment particularly strong among those in uniform who see such crimes as a brutal desecration of their own standards and values.

Many Americans do not realize that these few do not stand for the majority of Afghans, who condemn the killing of innocents and feel horror and shame for the attack on United Nations personnel. And that in a December 2010 opinion poll, about 60 percent of Afghans said they continue to support the U.S. military presence in their country and oppose the Taliban[43], despite growing insecurity.

The polls are contradicting Stratfor's assessment that what violence in Mazar-i-Sharif means is that after nearly a decade of occupying Afghanistan, the American-led coalition is already in a very precarious position, particularly as it tries to win over hearts and minds using a counterinsurgency strategy. Frustration with night raids and civilian casualties has been mounting for years, and the ISAF has always faced an uphill battle in the war of perception[44].

The polls showed that even those who blame the quick reaction of the Afghan to religious calls is in minority, and that Afghans do realize what the Taliban regime means and what are the costs that the US and international coalition are taking in order to help and assist them. According to the recently downsized U.S. defence budget, American taxpayers will still pay about $300 million *per day* for the military effort in Afghanistan alone. For all operations in the country, the United States spent about $17 billion in the Fiscal Year 2011 *alone*. This is in addition to the 1,461 US soldiers killed and countless more injured in Afghanistan since 2001[45].

Needless to say, many more Afghan civilians and security forces have died in the same period, as have U.S. civilians as well as coalition military and civilian personnel. In 2010, more than 2,777 civilians were killed.

Political game that ignited the protests

Once again, information showed, weeks and month later, that the attack on Mazar-i-Sharif UN headquarters was largely ignited and has very strong political explanations. The first question marks were coming from the fact that the gesture of Terry Jones were largely passed unnoticed in the US and the World and that American officials from President to Secretary of State and chief of NATO forces in Afghanistan condemned those wrongdoings.

It is also significant that the unrest began in a place like Mazar-i-Sharif, where the Taliban presence and influence is much more limited and where the ISAF has had much more success than in other parts of the country. Not to ad the fact that it took almost two weeks between the burning of the Koran and the onset of unrest, which suggests a deliberate campaign. This is similar to the way the initial release of controversial Danish cartoons depicting the Prophet Mohammed went largely unnoticed until later protests gained traction across the region.

Moreover, the clashes did happen only in Afghanistan, and did not spread all over the region or the Muslim World. This is another mark of the fact that the whole story was linked to local

Afghan politics and that is why a lot of analysts pointed out to President Hamid Karzai. In fact, the deadly events of April 1, 2011 likely would not have happened had it not been for President Karzai himself, who drew attention to the little known event on March 24 when he issued a press release in which he called the immolation of the Quran "a crime against a religion and entire Muslim *umma* [community]". He further called for the U.S. and U.N. to "bring to justice the perpetrators of this crime".[46]

Some Western analysts have blamed the violence on Afghan President Hamid Karzai. CNN Fareed Zakaria says the Quran burning went largely unnoticed in Afghanistan until March 31st, when "Karzai decided to capitalize on the issue"[47] and called for Pastor Jones's arrest. Christine Fair noted, for Foreign Policy, "the finger must turn to politics within Afghanistan itself: Afghanistan's president, Hamid Karzai. Rather than explaining to his population that Jones is a fringe crank whose actions are reviled by most Americans, Karzai has made this his most recent anti-American cause, denouncing Americans who have paid deeply in lives and treasure to support his inexplicably corrupt and unaccountable government. Despite the condemnation of U.S. civilian and military leadership, Karzai continues to stoke the sentiments of Afghanistan's uninformed masses and goad entrepreneurs of death of violence into further murderous action"[48].

It is very difficult not to conclude that Karzai chose to pursue a path of deadly controversy to demonstrate his strategic independence from the very country that continues to pay the vast majority of all of his bills while his group of supporters loots the country's capital. Moreover, two other coincidences did occur and are linked to this near two weeks delay between the gesture in Florida and the slaughter in Mazar-i-Sharif. First, Gen. David Petraeus, commander of the NATO-led International Security Assistance Force (ISAF) and U.S. Forces-Afghanistan, apologized for and condemned the Koran burning (as did President Barack Obama), the incident came just as American servicemen went on trial for killing Afghan civilians and following the release of photos of American soldiers posing with the body of a dead Afghan[49].

Second, Reuters reports a senior Afghan official blamed the killings of the UN staff on "reintegrated" Taliban-fighters, who had formally laid down arms. This could pose further challenges for the international forces, as "the reintegration of low and mid-level Taliban fighters is a key part of the ISAF strategy to defeat the Taliban and end the terrorist insurgency, as Bill Roggio writes in the Long War Journal. In an interview, Steve Coll discusses secret negotiations between the Obama administration and members of the Taliban, and the challenges plaguing the process, when President Hamid Karzai refused to accept any negotiation without him at the table[50].

For sure, the debate could (and did) fall into the usual arguments of Western commentators insisting on the clash of cultures and the clash of juridical systems between the West and Islam, and present the situation of the laws in countries such as Pakistan and Afghanistan (among other Muslim countries), which criminalize expressions of *intolerance*, such as blasphemy.

Blasphemy laws in both Pakistan and Afghanistan carry a maximum sentence to death, as it was in the case of Said Musa, a 46 year-old Afghan Red Cross worker, who had been arrested and faced the possibility of a death sentence for "apostasy". Mr. Musa was declared an apostate because he had converted to Christianity, and this is a sin according to extreme interpretation of the Quran that leads to death penalty.

Arguments for the savagery of Muslims in some countries come as well from massacres. Attacks and crimes inside the Islam itself, with arguments like Sunni militants that have attacked and razed dozens of Shia mosques and Sufi shrines in Pakistan in recent years alone. These attacks have, without a doubt, resulted in the incineration of countless Qurans, but have sparked no apparent mass outrage among Muslims in South Asia.

The conclusion is, once again, most eloquently presented by Christine Fair: "Clashing legal and civil values alone cannot explain the bloody violence that has erupted across Afghanistan this weekend. Sensible people understand differences in legal regimes across states and do not easily mobilize into murderous mobs. Sensible people understand that killing innocent people in reaction to an offender far away is not condoned in any religion. Nor does the act of desecrating a Quran itself offer a satisfying exculpatory narrative for the savage murders at Mazar-i-Sharif"[51].

4. The conflict of values and the film "Innocence of Muslims"

Islamophobia at work. Once again

Another important case is the film "Innocence of Muslims". It follows all the patterns of the precedent cases: a marginal site publishes a trailer of a film without any artistic value. After more than three months, it is used for symbolic reasons by terrorists in Libya who, under the cover of a mob that stormed the US Embassy on September 9, 2012, killed the US Ambassador and three other American citizens, that the local authorities failed to protect.

The film was used for political reasons in Egypt and, in a very curious way, spread in no more than 10 days all over the Islamic countries in the whole world, including the Muslim communities in Western countries. In the case of Salman Rushdie's "The Satanic Verses",it took years to happen, and even then, just a few countries kept the issue on the table.

Meant to inflame the Muslim world, the film "Innocence of Muslims", is a 13-minute long low-budget video on You Tube, acted, directed and edited with amateurship; it might be risible, if it was not for the ugly Islamophobia[52] which it promotes and the effects of which are now being witnessed around the world. It was apparently made by an Egyptian-American based in the Los Angeles area, one Nakoula Basseley Nakoula, reportedly a Coptic Christian, who initially claimed to be an Israeli property magnate called Sam Bacile, using funds from "Jewish donors". How Nakoula financed his film is not clear, he himself being a convicted criminal.

Actually, the links with the US are so weak that someone would ask why somebody would look at it as a piece where Washington authorities should be responsible, if not the fact that the movies are still associated with the idea of America's global power and prestige. At some point, everything could be used symbolically to forge an attack against the West: in Sudan, the attack took place at the German Embassy since, allegedly, one of the actors was of German origin.

The production of the online film shedding unflattering light on the Prophet Muhammad has triggered the murderous events that claimed the lives of Ambassador Christopher Stevens and three other Americans in Benghazi. And it is of little consolation that these excessive reactions are "perpetrated by small bands of fanatics," as if often claimed. The disruptive power of these "fanatics" – both the one in the US and those in Libya – and the inability of their societies to restrain and punish them put the lie to the notion that these issues are tangential.

The political use of the film

Questions appear from the first moment in any analysis. How a film that did not benefit from any attention and had less than 10.000 hits for the trailer in more than three months became the source of the violent mass spread in all the Islamic world and Western Muslim communities? In happened on the occasion of the 11-th commemoration of the 9/11 attack on the twin towers in New York, and this fact makes one wonder.

Why a mob in Libya was prepared on 9/11, since Libya benefited the most – and Bengazi in the first place – of the international intervention for protecting the rebels against the repression of Muamar el Kaddafi forces? If the US assisted the rebels in their fight, why did the US become a target? Why did this happen in Egypt, another place where the Arab Spring was supported by the US and the West against another authoritarian leader, Hosni Mubarak?

Symbolism is in the forefront of the whole analysis and it seems that everybody taking profit of the event also knew how deeply rooted symbolism linked to the Prophet Muhammad is in the Islamic word.

In addition to the fact that depicting Muhhamad is considered a sin in Salafi Wahhabi reading of the Quran, any insult to the Prophet is considered a blasphemy that is punished with the death penalty in a lot of Islamic countries. Yet, this time, the target was not the author of the film, but the symbols of the West, and this fact raises questions on the thoroughness of the claims.

Islam is again associated in the media with acts of violence and fanaticism. The death of Chris Stephens, American ambassador to Libya, as a result of an attack on the U.S. consulate in Benghazi has shaken not only the United States, but also members of the Muslim community worldwide. The predominant image of Islam presented in the media has been that of a religion steeped in violence and misogyny; a religion of hate and self-destruction. Needless to say, Islam is

a faith of forgiveness and tolerance, according to the holly book, the Quran[53].

The violence looked spontaneous; it was anything but that. Instead, it was the product of a sequence of provocations, some mysterious, some obvious. It seemed to start in the U.S., then became magnified in Egypt and was brought to a deadly and sorrowful climax in Libya – all on the 11th anniversary of 9/11. If Muslims responded violently to every online insult to their faith, there would be riots in Cairo and Benghazi every day of the year[54]. The Internet is full of malefactors who constantly say, write or broadcast appalling things about Islam and there are plenty of Muslim Web nuts who vilify other belief systems. It is the outrage machine who pushes matters into anger overdrive. They know the outcome of their efforts will be violence and subversion. These men are enabled by media to spread the hate and violence.

But let us look more attentively on the political background and context. First, in the US: "Innocence of Muslims", a film of no artistic value, has caused things that some will interpret as intentional. Some analysts affirm that they were timed for the American elections, in this case to incite Muslim communities and then provoke radical responses from the presidential candidates[55].

In the case of Libya, the most deadly place where "Innocence of the Muslims" made victims, it was only a symbol, without any explanation, if not the fact that the people that gathered in front of the US Embassy were incited by Al Qaeda related insurgents and that the killing itself have been made by declared terrorists taking advantage of the weak security in the region and not by the citizens that protested against the film. The symbolism is very important in that case, since it puts at stake the very Arab Spring and the Western support for democratization in the Arab World. It was a way used by the authors of the incitement who remained in the dark, to pass the word to American and European public about another mistake of Western leadership.

"Innocence of the Muslims" in Egypt's domestic politics

The most prominent political involvement was the one in Egypt. Here, the Muslim Brotherhood was already indicated as an Islamist power since Mubarak times, and the new president, Mohamed Morsi, is under pressure both from its own party, but moreover from the Salafist opposition, a far more radical and orthodox Islamic party. It seems that this was at the origin of the promotion of the obscure trailer in the Middle East.

In his bid to head off the violence, Morsi said "it is required by our religion to protect our guests and their homes and places of work". He called the killing of U.S. Ambassador Chris Stevens in Libya unacceptable in Islam. "To God, attacking a person is bigger than an attack on the Kaaba", he said, referring to Islam's holiest site in Mecca[56]. Morsi's speech came after Obama spoke with him by telephone. The Obama administration has been irritated by Morsi's slow response to the attack Tuesday night on the U.S. Embassy in Cairo, and the Egyptian made little more than vague statements about it for days without an outright condemnation of the security breach[57], in which police did nothing to stop protesters from climbing the embassy walls. His silence reflected the heavy pressure that Morsi, a known figure from the Muslim Brotherhood, faces from Egypt's powerful ultraconservative Islamists. They are using the film to boost their own political prominence while challenging Morsi's religious credentials.

However, the film was released June 1, more than three months before the protest in Cairo. In fact, Egyptians were unaware that the video even existed until a talk show host named Sheikh Khalid Abdullah devoted his two-hour program to the film on September 8. As a Muslim sheikh, Abdullah undoubtedly was offended by the video's contents. But as a Salafist, whose beliefs run counter to those of the ruling Egyptian Muslim Brotherhood, Abdullah may have screened the film to incite chaos and complicate Egypt's internal politics. Abdullah's program, Masr al Jadida, was then quickly disseminated. A YouTube clip of the show was uploaded to a Salafist website September 9, and in two days the clip received more than 300,000 hits[58].

At the same time, "Leaders of Egypts" Jihad group, a former militant organization, held a conference in the Egyptian city of Alexandria and said anyone involved in "defamation" of the prophet should be killed. They called on Morsi to cut relations with US[59].

Sheikh Khalid Abdullah is a controversial personality. He has been the subject of several media reports alleging his lack of restraint and disregard for ethical boundaries. Abdullah has

even publicly attacked Sheikh Hazem Abd Ismail, a fellow Salafist and 2012 presidential candidate. Abdullah has also been very critical of liberals and the Muslim Brotherhood. That is vivid proof of the political use of the trailer in order to press on domestic politics in Egypt, between radicals and moderates, close to the original reason for condemning Salman Rushdie to death in Iran.

As Steven A. Cook put it, the events are "a direct consequence of the Salafi satellite television station "Al-Nas" ("The People"), a religious network that publicized the existence of The Innocence of Muslims. For the believers of a faith that prohibits painting or reenacting its Prophet, let alone portraying him in a demeaning manner, the emotional reaction should have been expected, based on religious and cultural parameters, not political ones. It is highly likely that the religious and political leaders who incited the protests solicited the emotions of keen defenders of Islam with other agendas in mind; however, had the movie not struck a cultural-religious nerve with the masses, such leaders would not have had troops to call upon"[60].

The pressure determined the attitude of Morsi, who was much nuanced in his public statements even after the events. At least Libya's President Mohamed el-Magariaf swiftly apologized to all Americans for the attack on the consulate and promised to hunt down those responsible. 24 hours after the attack on the embassy in Cairo, Egypt's President Mohamed Morsi had not issued a similar statement. When he finally did, he seemed less concerned with what had happened at the embassy and more with the affront to the Prophet, which he condemned "in the strongest terms."[61] The Muslim Brotherhood, on its Twitter feed, condemned the Benghazi attack, but made no mention of the one in Cairo.

Instead of conclusions: questions to be answered

From the analysis of the most important events in the last years illustrating the existence of a thorough conflict of values in the contemporary world, there can be seen that it is necessary that security studies should grant more attention to the issues of multiculturalism and tolerance in Western societies, as well as to the measure in which democratic-liberal values can accept the influence of Islamic interferences. Also, one can speak of two dimensions of this problematic: on the one side, there is the genuine conflict of values, and on the other side, there is its amplification and use intentionally in politics. The four cases brought to analysis reflect a progressive growth of the political interference in the events that occurred.

In the latter example, the speed with which violence spread in the Muslim world in no more than 10 days after the broadcasting in Egyptian TV and more than three month after its appearance on the web is raising serious questions. It is necessary to introduce in our analysis the impact in the Muslim and Jihadist world, knowing that Al Qaeda issued a condemnation not sooner than Saturday, 13th of October (Associated Press). So, even the fact that the events did happen in Libya on the 9/11, but specially the spread of the wave of violence against America and the West raise questions.

In order to demonstrate the intentional and planned use of the aforementioned events in political aims, we bring forward the case of Russia's position towards Syria, that on the contrary, was not so interesting for the Islamic world. It is well known that repeated vetoes in the Security Council of the UN made Arab States, Arab League and OIC to react and blame Russia for the fact that it allows Bashar al Assad, the authoritarian Syrian leader to kill the population that protested and asked for his step down from power. Despite hundreds of news claiming Jihadists and Islamic international fighters being on the ground, nobody attacked Russia for that fact. The reaction in the case of Russia is completely different than the one US faced together with Western democracies from Europe: coming from nowhere, even if those countries supported the Arab Spring – rejected by Russia – even if they allowed political parties including the Muslim Brotherhood parties and Salafi group parties to enter in the democratic game and share the power after the deposition of the authoritarian leaders, America, Europe, the West are a target and Russia, who opposed this process, is not.

The sudden explosion of violence in the Muslim communities all over the word in the case of the film "Innocence of the Muslims" is unnatural, compared to the experiences of the past cases. Yes, we could consider responsible social networks that appeared much latter, but this explanation is not enough. At least a doubt still remains that the

coordinated reaction of the Muslim world, three month after "The Innocence of Muslims" was posted on the Internet, is due to a well planned operation held by indefinite authors.

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THE NEW MEANING OF NATIONAL SECURITY CONCEPT FROM THE ENERGY PERSPECTIVE

Laurențiu Victor PACHIU*

Energy has become a global and central asset for any community. Being a crucial source for the development of human society, but also a tool of politics and geopolitics, ensuring energy security requires reaching a proper preparedness and responsibility by the actors involved. In what Romania is concerned, the advantage given by its favorable geostrategic position and by the presence of natural resources on its territory, as well as the recent regional/global evolutions in the energy sector, should represent a sufficient incentive so the strategies and political action regarding energy matters shift to a more realistic, mature, consistent and visionary level. "Geological Romania" offers a chance in terms of transforming Romania in a powerful and credible international partner. However, in order to accomplish this, an active approach of the energy security challenges is needed. This article is a recommendation for immediate action aimed at structuring and implementing a clear and viable energy security concept as a matter of Romanian policies, strategy and statutes, particularly in regard to the recent proposed draft amendment of the national security laws.

Keywords: energy; security; national security laws; critical infrastructure.

1. Energy security from a historical perspective

The global energy security dilemma marking the beginning of the 21st century embodies several elements foreshadowing fundamental and long-lasting changes in the philosophy, geopolitics and legal principles that govern it. We hereby refer to the entire array of problems, starting with the challenges associated to the depletion of conventional resources, the need for resource diversification, the security of production, transport and demand, the efficiency of energy consumption, transparent and genuine competition and last, but not least, ensuring environmental balance.

The 20th century (and most significantly its first half) firstly saw energy security as a component of military (defense) and economic security, the oil crisis of the seventies propelled the energy issue at the forefront of political agendas worldwide, becoming a *per se* security commandment, a vital factor in ensuring the inherent security of society as a whole. Energy security, as a dimension that needs to be perceived differently for each state, economy, region and market in part, already deems itself as the gravity center of all other security elements

* Laurentiu Victor PACHIU is the Managing Partner and founder of "Pachiu & Associates" law firm, coordinator of Public Private Partnerships and Finance and Oil&Gas Divisions of Energy Department within the company. E-mail: laurentiu.pachiu@pachiu.com

(political, national, economic, social, military, environmental, food etc.). Chronologically speaking, we are still at the onset of an "energy era", when the security of an actor (state or non-state) is achieved solely at the expense of another actor. However, the technical and technological progress and the global dimensions of economic and social interdependencies, which are engulfed and promoted at every community level, become accelerating factors and lead to dramatic changes.

Any debate regarding Romania's energy security must benefit from and should be grounded on a historical perspective of the country's experiences. This is because for almost half a century (from the end of the 19th century to the beginning of the 20th century), Romania was part of the major league of oil-producing countries.

Approximately 100 years later, Romania (as a geographical and geological area and by no means as a society) has the chance to become again a crucial factor in the evolution of energy security realities and strategies around South East Europe, the Black Sea region and others.

A major contribution to this new geopolitical and geoeconomical environment is made by the potentially significant shale gas reserves ("the new energy revolution"), the hydrocarbon reserves in the Black Sea shelf and other mineral resources relevant for the energy equation. Basically, Romania could complement in a logical manner the energy crescent represented by the potential discoveries and energy resources in the Black Sea, the Mediterranean basins (Cyprus and Israel) and the Caspic region. The projection of these geological and geoeconomical facts against the background of an increasingly precarious balance of the European energy security – precariousness derived from the EU Member States' insecurity of energy supply, from the relation of dependence, or, better said, "interdependence", with the Russian Federation, from the complexity of configuring the energy supply routes and last but not least, from the absence of a consistent, uniform, well-connected to present and future challenges concept – transfigures Romania's potential geopolitical and geoeconomical advantages in challenges thrusting at its national security.

The defining features of the Romanian energy policies mostly revolved around the predicaments in relation to the industry's national character and to the insufficient financial resources and technical know-how necessary for its development. The testimony for such dilemma resides in the already traditional, circumstantial and superficial, political and legislative approach, of the national energy resources exploitation; and also in the way Romania is positioned within the European and regional energy and political context.

Obviously, the Romanian "mine laws" of the first half of the 20th century (which also covered oil and gas production), through their almost exclusive political substantiation (see the liberal "by ourselves" doctrine opposed to the "open gates" Christian-democratic doctrine) were not able to cast forward the full geopolitical potential of a first rang hydrocarbons producing country. They did so only in a circumstantial, non-strategic, short-term manner, without taking into account the broader continental and global challenges. The mining and petroleum laws were substantially amended once with every political regime change. From a strictly historical perspective, this legislative instability and incoherence was somehow explicable, given the fact that the energy supply-and-demand equation was not as complex as it is today (the Hubbert curve was still in its ascending phase). The energy security concept was, practically, inexistent. The political foreshadowing capacity regarding the energy factor was limited to defense imperatives and respectively to the provision of financial resources from oil revenues necessary for the development of industry as a whole (at the time Romania being predominantly an agrarian country).

The historical significance of every regulatory deed does not reside in the capacity of addressing some immediate, or predictable, interests of the actors involved (governing and/or governed), but in its ability to respond to several complex, unpredictable and long-term challenges, without affecting the stability and the economical, social and cultural development of the state. Reaching such a degree of regulatory appeasement claims an adequate, non-ideological, visionary and consistent underlying of any strategically-important regulatory initiative.

Regrettably, in its short history as a democratic state and free market economy, Romania was unable to conceptualize and define an energy security strategy which would establish itself as a cornerstone for all the regulatory initiatives taken in the energy field and, implicitly, to ensure

a long term reap of Romania's geopolitical and geoeconomical advantages.

A series of disfunctionalities affect the Romanian national security, such as: (i) keeping on a stand-by, for the past five years, without being implemented, the National Energy Security Strategy (initially adopted for 2007-2020, updated for 2011-2020, the document still being in need of major improvements), (ii) the appraisal of priorities in terms of strategy and security through ad-hoc Government or SCND (Supreme Council of National Defense) meetings (without as much as having defined the concept of "energy security" in a clear manner), (iii) the constant surprise factor brought forth in the implementation of some regulatory deeds in the energy field, and considering the outlook of potentially significant hydrocarbon reserves (conventional and unconventional) on the Romanian territory, (iv) the regulatory proceedings are surprisingly not aimed at a normative adaptation to the "new energy revolution" and a stimulation of such process, but at the "overtaxation" of oil companies, consequently discouraging investments in the field, or the indefinite-term moratorium on the exploration of unconventional resources (as in the shale gas case, even though the time span between the exploration phase and the actual supply of the pipelines with the energetic input ranges from 5 to 7 years).

Following the same unfortunate factual approach, the much-awaited amending process of the National Security law package (Law No. 51/1991 on the National Security of Romania and Law No. 14/1992 on the functioning of the Romanian Intelligence Service) – a nodal point for any national security-related proceeding – was launched. However, the term "energy" was not included in the text of these draft laws. Hilariously, the aforementioned 2007 – 2020 energy security strategy includes such energy strategy in the "national security" concept. Hence, the so-made alteration deeply affects the main authorities' capacity (the intelligence services and their beneficiaries) to ensure, in fact and by large, Romania's energy security, as a fundamental part of national security.

Before dealing with the particular topic of this paper, namely energy security as part of national security in the new regulation of the national security laws, we consider it proper to clarify what needs to be understood through "energy security".

In order to facilitate a better understanding of the elements comprised in this concept, we would like, first of all, to analyze the factual and institutional evolutions circumscribed to it within Romania's geopolitically relevant area.

2. Energy security at EU level

The historical legacy of a union established precisely on an energy security groundwork (European Coal and Steel Community, founded in 1952), bestows upon the European Union a tradition of interest and experiences in the field of energy security. Thus, it helps the EU deepen cooperation and solidarity in this field, even in the 27-members configuration, redressing and promoting the relations with the energy supplier and transit states on transparent and competitive coordinates.

Energy security, initially perceived as the security of supply, was expressly mentioned both in the European Constitution and Lisbon Treaty.

We can assert that the main elements that draw up the present European energy security concept were established in 2006 and 2007 (being best outlined in the European Strategy for Sustainable, Competitive and Secure Energy and in the 20-20-20 by 2020 Energy Strategy, adopted in 2008) with the following provisions: security of supply (resources and transport infrastructure), maintaining environmental balance, resource diversification (with an emphasis on renewable resources) the development of interconnection grids, energy efficiency, energy storage, competition and transparency on the energy market, the reinforcement of energy solidarity among the member states, supply crisis management, energy interdependence (as a balance between supply-and-demand security), international and regional cooperation and especially the intra-communitarian cooperation, in order to attain a common external energy policy, all intended to secure the transition to a modern economy based on low carbon emissions.

Currently, EU's energy security policy is undergoing a full crystallization process. If the main strategic guidelines are already set up, the implementation process is hindered by several factors: the member states' different levels of import dependency, the different mixes of energy they use, the insufficient interconnections of the

national energy systems, the different national energy demand levels and the preferred domestic resources, the member states' different economic development levels and the members' different priorities, as an effect of several geopolitical power poles within the Union (France, Germany, Italy). However, through the joint effort of the member states, a series of strategies and coherent targets aimed at securing energy security have been outlined: the establishment of energy supply securing mechanisms at community and national levels, the comprisal of the energy issue in the Common Foreign and Security Policy and the cooperation between EU members and non-members for the purpose of ensuring the security of the critical infrastructure supply routes. Going beyond guidelines, entrenching the energy security concept and, especially, a set of common policies at the EU level are still met with reluctance, depending on each state's different degree of import dependency.

The European Union is, by excellence, heavily dependent on energy imports. 80% of the energy consumption at community level is based on coal, oil and natural gas, of which, on average 50% is covered by imports. It is expected that this number will go as high as 65% by the year 2030. 40% of the gas consumption at EU level comes from Russian imports, and it is forecasted that this dependency level will increase up to 80% by 2030.[1]

Statistically, EU shows the largest dependency in what concerns natural gas imports. This dependency is said to increase, considering that gas is a "fuel of choice" for electricity production, given its lower-than-coal carbon emission levels and its relatively lower exploitation costs. As a consequence, EU's energy security is strongly connected to the natural gas component.

In this context, EU's energy security and the security of a large number of its members is undoubtedly attached to the Russian Federation and to the hydrocarbon imports from this country. This dependency was poignantly manifested by the actual reflection of the Russian energy policy instruments in the form of reducing and even freezing gas exports to Belarus in 2002, 2003, 2006 and 2010, the Ukrainian gas crisis in 2006 and the Georgian War. As Russian economic insecurity grows[2], so does, in a proportional manner, the promotion of the Russian energy policy as a main foreign policy element. The energy policy remained the only instrument by which the Russian Federation is still able to project its geopolitical force in terms of "Realpolitik" (Gazprom, Transneft and Rosneft being recently included in this framework). Consequently, the challenges for the European energy security are becoming more complex.

The success of the Russian policy in its relation to the EU is based precisely on the bilateral approach of the energy issue, to the detriment of the community-level approach, with each member state in part ("divide et impera"), and in particular, with the European economical, political and large energy consuming poles – Germany, France and Italy. The preferential treatment by Russia of the major energy topics with only a few European poles of power is likely to affect "New Europe's" energy security (for Brussels) and Russia's "Near Abroad", namely the Central and Eastern European states and the Balkans.

The public, accessible elements which demonstrate the imbalance of the EU-Russia relation are depicted by the maintenance of long-term, "take-or-pay"[3] supply contracts, (high) monopoly prices, the supply infrastructure routes coupled to Russia's geopolitical interests, the lack of reciprocity in admitting Western investments in the Russian energy sector, the refusal to engage Russia in the European energy mechanisms – i.e. the refusal to implement the European Energy Charter Treaty – and last, but not least, Russia's interposition in EU's relation with the energy-supplying countries in the Caucasus. If Iraq experienced the "oil for food" program, we can say that in its relation with the Russian Federation, Europe experiences the "gas for European solidarity" program.

The European Union managed, however, to outline a concept along with a vast and thorough legal and institutional framework. The pace in this direction is steady. We have to notice, however, that, parallel to this process, the European states still have to apply their own security policies, as an expression of their sovereignty. We have to keep in mind that these policies should not affect the European solidarity and energy security.

To conclude, the European energy security policy is centered on the security of energy supply, competition and environmental protection, the main challenge it has to deal with being in the realm of factors outside the EU. The concept needs to be

rendered into real and consistent policies. Taking into consideration the fact that the energy issue has become a foreign policy instrument, *de facto* and *de jure*, for these external factors, the EU will also have to include the energy security problem on its foreign and security policy permanent agenda.

3. Energy security for the Russian Federation

If for the European Union (and other regions on the globe) one of the main components of energy security lies in the security of hydrocarbon supply, for the Russian Federation this would be translated – as in a mirror – by ensuring the external outlets for the oil and natural gas produced in Russia, or resold by the Russian companies, with the purpose of financing other economical sectors (in 2009, 80% of Russian oil exports and 70% of the natural gas exports were directed towards the EU states)[4].

Given this context and adding to the rigidity of the gas transportation system that connects the EU and Russia (rigidity that does not allow the option of source diversification for the EU, such as the Caucasus, on one hand, and restricts the opening of new outlets for the Russian Federation, on the other) it is obvious that we are actually bound in an interdependency relation (relation that comes under the heel of Russia's periodical tough and volatile quirks). The Russian Federation, dependent of its own hydrocarbon resources can become a threat to its own energy security, once the use of reasonable-priced unconventional oil and gas resources (shale gas and shale oil) would become widespread.

The Russian Federation has an express definition for the term "energy security", in a regulatory form. The Russian Federation's Energy Strategy, adopted in 2010 by Government Resolution, defines the energy security as the "state of protection of the country, its citizens, society, state, economy from the threats to the secure fuel and energy supply" in the sense of ensuring "the full and secure provision of energy resources to the population and the economy on affordable prices that at the same time stimulate energy saving, the minimization of risks and the elimination of threats to the energy supplies of the country".[5]

As far as politics is concerned, the Russian Federation took the matter of energy security to a specific and more pragmatic level. The designation of oil and gas reserves data as state secret, the

submission of the big oil companies (active in the production and transportation sector) under Kremlin's direct authority, the incumbency of obtaining FSB's approval for any transaction which regards changes of /in control in the strategic branches of the Russian economy (implicitly in the energy sector) – to mention just a few – puts the energy security topic in the conservative realm (or, better said, traditional) of state security. It is widely known that the energy instruments for projecting the Russian Federation's geopolitical interests revolve around several actors in the "intelligence" area. It is also a fact that among the executives of the Russian energy companies the management boards also include people in the government administration. Consequently, it may be inferred that (in many cases being obvious), in order to provide consistency, discipline and orientation to such organizations, the main part of the personnel of such companies is linked to the intelligence field (the so-called "siloviki"). A series of developments related to the attempts of several EU member states to promote alternative sources of energy which would compete with the strategic energy product of the Russian Federation, include elements specific to the confrontations in the world of intelligence services. According to analyst Andrew Monaghan, researcher at the NATO Defense College, "oil became for Putin what nuclear warheads meant for the USSR."[6]

Naturally, the "intelligence" component is not exclusively associated to energy politics and to Russian companies (although in their cases it has the tendency to become widespread), therefore becoming an important factor for any party, be it state or non-state, as the energy issue can be regularly found on the forefront of the states' policy and security agenda.

4. Energy Security and NATO

The energy security topic has started to raise awareness at NATO level in a perspective broader than in terms of defence. Former NATO Secretary General, de Hoop Scheffer, insisted on the member states to consider adding energy security on the alliance's agenda ever since the alliance's Munich Conference on Security Policy (2006).

As far as NATO is concerned, most of its European continental members bear the risk to

become dependent on imported hydrocarbons, the alliance's political documents indicating a growing concern in relation to "vital resources", and estimating the disruption of the supply chain to become one of the major threats for the alliance for the following 10-15 years.

The alliance's strategic concept defined in 1999 (paragraph 24) opened the way for debates regarding the integration of the energy security issue (i.e. "providing the alliance's vital resources") into the central legal framework underlying the alliance, namely the collective security concept set under articles 4 and 5 of the alliance's Treaty.

Ever since the Riga summit and further on at the summits in Bucharest, Lisbon and Chicago, NATO admitted that the disruption in supplying vital resources to the member states is an obvious threat to the alliance's security interests. The report "NATO's role in Energy Security", released at the NATO summit in Bucharest, in 2008, identified the areas to which the alliance may bring its contribution: information and intelligence centralization and distribution, designing stability, promoting regional and international cooperation, supporting consequence management, supporting the protection of critical infrastructure[7] (mainly against terrorist threats).

NATO has already made several small steps towards the institutionalization of the energy security issue at alliance level. Consequently, in 2007, a "task force" dedicated to energy security was established, dealing with the identification of elements that may be addressed by the alliance in terms of ensuring energy security.

The conclusions of the Chicago Summit in 2012 were that a stable and durable supply, the diversification of routes, supply sources, interconnectivity of energy grids and diversifying the energy mix remain factors of utmost importance. As a result, the alliance aims to further integrate the energy security issue in its policies and activities. The immediate tangible objectives on such train of thought are an increase in energy efficiency for the military forces, the protection of critical infrastructure, the establishment of a Centre of Excellence for Energy Security accredited by the alliance in Lithuania, and a request addressed to the alliance's Council to develop and state NATO's role in the field of energy security.

General Deputy Secretary, Dr. Jamie Shea, also highlighted during a top level conference held in

Croatia in 2011 that energy security has gradually become an issue of major concern for the alliance. Shea stated that "energy security is a strategic topic for the alliance and a key element on its agenda (...), since mutual dependence shall be turned into mutual diversity."

NATO's military dimension and the political and economical volatility, in some cases extreme, of the hydrocarbon supply and transit areas may explain the rather slow pace at alliance level in establishing firm strategic competences in the field of ensuring the energy security of its members. Disputes between states have quite often been engendered or exhibited by pressures in the energy area (supply or transport infrastructure), the critical situations being sometimes on the verge of an armed conflict.

Such context hinders the integration of the energy security issue within the institutional privilege of the alliance, as an element that may trigger the enforcement of Article 5 of the alliance's Treaty. The awarding of a military-strategic dimension to energy security is thus being considered a potential factor for aggravating any conflicting situation arisen from the overlapping of any interests in the energy area.

So far, the regulatory conceptualization of energy security at the alliance level is mainly connected to elements pertaining to marine security and critical infrastructure, the coordination between the military and the political level of the alliance giving rise to certain hesitations in defining a concept and a uniform policy in this field.

It is however obvious that, except for several cases such as the Georgian-Russian war, state participants tend to increasingly avoid settling tense situations in the area of energy security through military means. In such context it seems however inevitable that the global geopolitical dynamics – the energy security element becoming central and strategic – shall determine the deepening of the political dialogue on energy topics within the alliance as well as within the alliance-partners relationship (first and foremost on the North-Atlantic axis, EU and the Russian Federation, respectively). On top of this, practical steps are taken in view of setting the base for energy security, inclusively, as indicated above, by means of centralizing and sharing intelligence and information at alliance members' level.

5. A definition for energy security

The first "political launch" of the energy security notion is deemed to belong to the former British Prime Minister, Sir Winston Churchill, who acknowledged energy security as being dependant on the variety of oil sources (to his credit, the concept is still applicable nowadays, being however adapted by adding "resource variety" as a component of energy security).

The issue of energy security conceptualization has started to spread concern in political environments and to be integrated in the debates in the realm of international relations theory ever since the 1990s. The so-called "Copenhagen School", represented by Barry Buzan, was the first theoretic movement in the field of security issues which extended the security concept from military matters on to economic social, cultural, ecological and energy related matters.

For American authors interested in security, energy security has often been related to the assurance of "maritime security" of energy transport routes[8] and generally to the transport infrastructure security.

Other authors define energy security as "the provision of sustainable and safe resources at reasonable prices", or as "that circumstance when a nation and all or the majority of its citizens and companies have access to an abundance of energy resources at reasonable prices for the predictable future, without the serious risk of a major disruption".[9]

Some other authors estimate that this concept encompasses a plethora of factors impairing the supply and the demand for energy resources, with the involvement of several state and non state actors, the significance of the concept varying from one state to another, relative to geographic position, geologic resources, international relations, political and economical systems, energy related vulnerabilities, energy consumption structure and economical development strategies.[10]

Energy security was often mistaken for energy independence in political debates. Such equivalence requires however a critical perspective and a fine tuning (mainly in terms of discussions taking place in Romania). Absolute energy independence understood as meeting a state's energy demand strictly from its own resources, would mean a complete separation of the state in question from the present context of globalization-related interdependences, towards protectionism and economic isolation. "Energy independence" must be understood as a state's capacity not to become vulnerable to imported energy sources (by diversifying its supply sources, by having the capacity to be resilient to shocks in supply and by participating to stable energy markets).

The European Commission defined energy security as " the capacity to cover the essential and future energy demand, both by means of appropriate internal resources obtained under acceptable economical conditions or preserved as strategic resources, and by resorting to stable, external and accessible supplemented sources, where appropriate, with strategic stocks."[11]

We believe that energy security may be defined as that significant part of a state's national security, consisting in a set of political, economical, legal and institutional measures intended to ensure, at any time, its untroubled and balanced supply from various sources and at reasonable prices, with various energy resources, in view of covering its own need and capitalizing any excess resources, under transparent and competitive conditions, as well as the measures intended to develop new energy resources, to provide the security of its energy infrastructure, all such while preserving ecologic balance and energy efficiency, stability and cooperation in the spirit of international commitments.

6. Energy security seen from the perspective of Romanian security

Traditionally, as far as Romania is concerned, national security has been revolving around several constitutionally entrenched principles such as sovereignty, the unitary and indivisible nature of the Romanian state, etc.

Article 1 of the National Security Law No. 51/1991 defines national security as "a state of social, economic, and political legality, equilibrium and stability that is necessary to the existence and development of the Romanian national state – a sovereign, unitary, independent and indivisible state, to the maintenance of legal order as well as of the climate for the unhampered exercise of the fundamental rights, freedoms and duties of the citizens, in accordance with the democratic principles and rules provided by the Constitution."

The Romanian Energy Strategy provided (in a rather shallow approach) that "the energy strategy has implications on the national security, being regarded as the security in providing the balance between demand and production, energy efficiency, diversification of resources and routes, the limitation of imports dependency and the security of infrastructure."

The Explanatory Memorandum of the initiator of the Draft amending Law No. 51/1991 on national security acknowledges[12], inter alia, that "economic security and energy security in particular, acquired new valencies regarding the control over resources." Despite such findings, the draft law contains no reference to the energy issue.

Overall, the Romanian political and media speech narrowly brought into discussion the energy security topic strictly in energy terms, stress being laid on elements related to the security of supply, of transport routes and on resource diversification etc. However, one cannot deny that energy security is a central aspect of national security being therefore relevant in terms of "intelligence" activities.

The most important article of the draft amendment to the national security law (Article 3), the core of such regulatory deed which details the threats to national security and basically marks the scope of competences of state bodies with duties in the national security field, makes no reference to the energy issue.

It may be argued that the aspects in relation to energy security find an indirect approach under item 12, Article 3, with reference to the risk and the threat to national security represented by the "endangering of economic security". Such provision mentions "vital economic resources", "strategic economic interests", "economic resources of national interest", as elements related to the national economic security.

With respect to this regulation, namely the draft ammendment to the national security law, we have the following critical perspective in terms of national energy security.

The overall inclusion of a loose, resumptive and itemized language within a regulation will undoubtedly entail various interpretations that may even lead to the ineffectiveness of the regulation itself.

Secondly, although it may be argued that the term "resource" would also include energy resources, the concepts related to such notion, such as "vital", "strategic", "of national interest", are not at all defined (although widely used) in the Romanian legislation. Basically, the use of such ambiguous concepts enables their injection with political or short term informational content, which, as proved, may be extremely dangerous for the national security in terms of threats and actual risks. It must not be presumed that in terms of national security and, specifically, of energy security, the competence of institutions with attributions in the intelligence area can be limited by the vacillating effect of political directions and priorities, by the interpretation of one or another court or even by the own interpretation of the intelligence bodies.

Similarly, a faster pace is set to the dynamics of national security factors and to the geopolitical strategies intended for the provision of the security in question. In other words, what we nowadays call "of national interest", "vital" or "strategic", may change its meaning tomorrow. Naturally, we do not suggest the removal of such concepts (for instance, water is certainly a strategic resource of national interest, although we believe there are still few people understanding such aspect or the future security challenges in relation to it), however such must be defined as accurately as possible and connected to several stable strategic landmarks.

We believe that nothing related to the national energy security can and may be allowed to become subject to vacillating interpretations. On the contrary, it deserves a special, express regulation within the national security Law. Energy security is a fact that must outdo political fluctuations, different strategies of political actors, being in fact, a challenge, but at the same time a recurrent, active or latent geopolitical weapon, in tune with global evolutions.

Moreover, last year, the National Intelligence Service was among the few state bodies to publicly display a visible interest in the field of energy security through its capacity to analyze, predict and consistently act, as well as to efficiently cooperate with external partners.

Because of these reasons at least, the energy security concept, in its widest sense (and not from a narrow perspective relevant only to the intelligence field), must be explicitly included in the new set of laws on national security. An intelligence service must hold express powers with a view to ensure an undisturbed and balanced supply of energy

resources, to ensure the critical infrastructure's security, the ecologic balance, the innovation in terms of new energy resources, the international cooperation in terms of energy security, both from the perspective of internal and external challenges. Naturally, such legislative takeover will have a number of benefits: it will provide the necessary impetus for the political factor (beneficiary) in approaching in a substantiated way the energy issue in general, it will lead to the geopolitical capitalization of the Romanian potential in this field, to the consolidation of the state of "preparedness" on the geopolitical level and within the anti terrorism area and, hopefully, it will contribute to the completion and political implementation of the national strategy in the energy field.

Conclusions

As energy resources ensure the survival of an entire society, following the same logic, national security would lack content and reasoning in the absence of the energy security component. From a layman's perspective, what would be the use for provisions of national security law on the national cybernetic system, if such cannot work unless supplied with energy? What is the use to discuss political programs or national strategies for the diversification of energy sources/resources as long as we do not have the capacity to react to factors opposing such policy? What is the reason to debate on the security of human fundamental rights and liberties (as a component of national security), if in the modern society nowadays such liberties cannot be basically exercised in the absence of the provision of energy resources?

Nowadays, as we have no coherence and no concrete actions taken by the responsible political actors, then it is imperative to at least outline, by including a specific regulation into the National Security Law, the tactical and competence framework necessary for ensuring the country's energy security and the Romanian intelligence services' capacity to analyze, act, react and cooperate with external partners in the field, in tune with the conceptual, political and institutional evolutions which occur, as shown, at these partners' level.

Obviously, a widely recognized energy security concept will also enable the development of a clear and substantiated national energy strategy.

Specific competences assigned to state authorities with duties in this respect (we are referring not only to intelligence services) will help maintain the implementation progress of such strategy, contributing to the appeasement of many conflicting feelings, on strategic matters, in the Romanian politics.

Therefore, it is a matter of the utmost urgency to introduce a comprehensive national energy security concept in the set of laws on national security, as well as within the medium and long term national energy strategy and, preferably, to engagingly accommodate such concept into the political formations' platforms. Subsequently, the understanding and the assimilation of such concept on the larger scale of civil society will be ensured.

NOTES:

1 European Commission, *EU–Russia Energy Dialogue*, The Tenth Progress Report, November 2009, pp. 4–6, http://www.enpi-info.eu/library/content/eu-russia-energy-dialogue-10th-progress-report, retrieved on January 24th 2010.

2 The Russian political factors are well aware of such aspects: the Russian economy's shortcomings and major structural imbalances, corruption, the demographic imbalance, the infrastructural and technological handicap of the energy industry (Russia being exposed not necessarily to a shortage of hydrocarbons, but to a shortage of cheap hydrocarbons), the energy industry's nationalization and its transformation into a geopolitical weapon instead of its modernization, even in cooperation with international oil companies, the increase in the domestic energy demand and the large subsidization of the energy resources.

3 Under a take or pay contract a Buyer is obliged either:
(a) to take delivery of and pay for an agreed minimum quantity of gas in the course of a year; or (b) in the event that the Buyer does not take that quantity, to pay for the difference between the agreed quantity of gas and that actually taken.

4 European Commission, *EU–Russia Energy Dialogue*, The Tenth Progress Report, November 2009, pp. 4–6, http://www.enpi-info.eu/library/content/eu-russia-energy-dialogue-10th-progress-report, retrieved on January 24th, 2010.

5 Ministry of Energy of the Russian Federation, "Energy Security of Russia for the period up to 2030", Moscow, 2010, p. 28, http://www.energystrategy.ru/projects/docs/ES-2030_(Eng).pdf, retrived on February 12th, 2013.

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11 Robert SKINNER; Robert ARNOTT, *EUROGULF: an EU-GCC dialogue for energy stability and sustainability*.

12 Draft Law on the amendment and completion of several regulatory deeds in the field of national security, initiated by Deputy Cezar Florin Preda, in the form adopted by the Chamber of Deputies on November 3, 2011.

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REACHING SET-TARGETS IN MULTINATIONAL NEGOTIATIONS. FORMAL VERSUS INFORMAL DEBATES IN NATO

Anamaria IORGA*

Everything is important in fulfilling one's tasks in a defence international environment. However, the art of making oneself understood and listened to is of utmost importance since, if not performed in accordance, it might put at risk all the other elements. Several items need to be known and assumed by the negociator before getting an international position for the first time. The current study gathers what the author considers as being some of the most important elements in multinational negotiation and is mainly based on personal observations and lessons learned. From this perspective, its purpose is that of providing assistance to young diplomats in offering a glimpse of what they might encounter when being appointed to an international position.

Keywords: negotiation; cooperation; reaching objectives; colleagues; national mandate; international environment; promoting national interests.

Introduction

Getting to yes in a multinational environment requires many skills and a lot of patience. One has to be extremely cautious in correctly evaluating each player's weight and then in understanding where things as a whole go to. It is like building up a puzzle out of pieces that seem disparate, with absolutely no connection in between, but that finally are able to merge perfectly and tell a story, in accordance. And one of my biggest lessons learned was to notice that each peace of the puzzle has a game to play and that it has to be treated in accordance. Otherwise, it will always choose to turn against the successful closing of the puzzle.

My experience in sitting at the round table of negotiations within one of the most important defence committees in the Alliance (Defence Policy and Planning Committee) has also taught me that taking part to long sessions of debates, not once exceeding 10-12 hours, requires a lot of dedication. And I remember my assumed decision to try to understand the rules of the process being played, that impose a thorough reading of the text, a solid knowledge of the sensitivities associated to all attendees to the negotiation and, in the end, the identification of a phraseology that serves all those taking part to the process. And, if time and space allows, try to contribute to moving things further, while, of course, supporting and protecting national interests. This study is about this experience, of three years now, dedicated to long negotiation processes in formal and informal sessions, to bilateral discussions with colleagues around the table. It is about personal observations and lessons learned by the author.

In order to be able to read the text through the right lenses, I will here remember several essential elements with regard to the evolution of the Alliance. North Atlantic Treaty Organisation

* Anamaria IORGA is civil servant within International Defence Cooperation Directorate from Romanian Ministry of National Defence. E-mail: aiorga@mapn.ro

(NATO) was launched in April 1949 and, from that point on, has gone through several transformation and reengineering processes, including the increase of number of member states. Currently, there are 28 member states with equal rights and several dozens partner states, for which have been created various mechanisms or formats of cooperation. Although due to the transformation processes, the Alliance has suffered during the years, profound changes, several elements that constitute the backbone of the Organisation have remained unchanged, including: the founding act, the North Atlantic Treaty signed in 1949 and the consensus rule that is applied to all decision making process. The member states are represented at the NATO level by Permanent National Delegations that are coordinated by a Permanent Representative or an Ambassador. Nations take part to the Allied decision making process through national delegates that work within the Delegation and that, actually, represent the majority of national organisations that bear interests in what NATO does. So, these national representatives are those that hold the task of maintaining the dialogue open between their capital and the Organisation, maintaining the obligation of supporting national interests at the level of the working committees they are assigned to and to inform, accordingly, the national organisation they belong to of the changes taking place at Allied level.

Going back to the introductory elements of the current study, we must mention here that what I believe true in both reform situations is that from the very beginning of the work, final design was somehow pictured at a personal level by many around the table. Otherwise, this entire endeavour would not have taken place. And I trust that no negotiation process in NATO starts without having a final big picture in mind. There is always an initial text proposal that glances towards a certain end-state structure. But it is the time and effort spent by nations and international secretariats representatives within the Alliance to reach that final goal that is being described in this study, the struggle towards eliminating any possible disruptions in moving towards the new architecture. This process has the ability to polish and alter initially pictured final design so that, in the end, the outcome fits everybody's interests. Needless to say that this struggle goes beyond, while also encompassing them, national interests,

personal experience of the representatives around the table, efforts in preserving current performances while enhancing other abilities, ability to face the realities of current international environment. It is a courageous, long lasting endeavour, sprinkled with frustrations, that, not once, has no direct benefit to offer.

Multinational negotiations in NATO are build on a rather rigid structure, preserving though its flexibility to change, made out of very vivid components that have a life of their own. In the end, all that matters is reaching the set-targets. Because, going back to our puzzle metaphor, sometimes not even the completion of the puzzle as such matters, but something else, beyond it, something so fragile and tender that only an entire puzzle structure can protect it (e.g.: jobs, national representation in NATO, preserving national industry's footage, getting Allied funds, etc.).

1. The round table and the rigid structure

1.1. Member nations

All 28 member states in NATO are participants in the negotiation process on an equal footing. Ever since the Alliance's inception, decisions are taken by consensus at all levels, with very few and rare exceptions. This gives each nation around the table the right to at least have a saying. In fact, not all of them decide to use it, for various reasons that might include: lack of interest on a certain topic/domain; a prior arrangement that gives enough satisfaction to the nation on the matters being discussed; designation (delegation) to some other nations around the table of the right to negotiate on the topic. Of course, not all nations around the table that are expressing something on the topic being negotiated have an interest, and not all interests are as convincing as the others. Most of the times, they are referred to during the negotiation process as "strong" or "weak points", aiming though at the willingness to insist or not on an idea. In other cases, other qualifications, like "on an (un)instructed bases…" show the strength and the significance of the intervention.

No matter the above mentioned nuances, it is important to note that all interventions are relevant and carry out a message. I find a lot of sense in trying to read some of the "not so strong" interventions, some of them pointing at a certain tendency in approaching a debated topic and, consequently,

a possibility of having a stronger intervention later, while others might simply show a lack of understanding of the topic as such. On the other hand, strong interventions, that are mentioned to have green light from the capital, should always be taken into consideration, no matter what any other nation or representative around the table might feel. At times, the chairman or some other nation makes an attempt during the meetings to test the willingness of the country proposing a certain text to be deleted. It is up to the solicitor if it wants or not to give up the text proposal, but in some of the cases, giving up too easy to the text proposal, might show weakness.

Once, a national representative asked for a certain paragraph to be added to the text and this request triggered an immediate reaction from another representative that accused the solicitor of having hidden interests and pointed at him in a rather strong argumentation. This reaction led to the withdrawal of the initial proposal, with no additional comments from that nation. Discussing this incident with representatives from other delegations after the meeting made me realise that yes, by dropping too easy to the initial text proposal, that national representative created the impression that he was not acting on an instructed basis. The solicitor should have requested time to consult with the capital, leave the room for several minutes (to let everybody think that he made a phone call to the capital or to some national authority) and then come back with the willingness to withdraw the text.

Of course, in some other cases, national representatives may sometimes chose to ask for clarifications on a certain area with the simple intent of redirecting attention on what they think has been forgotten. I have witnessed a situation when, after weeks of not having mentioned anything related to a controversial phraseology that was important to a nation, the very representative of that nation suggests as agreed language not reflected in current revised version of the text the language he was aiming at some time ago … and it passed (in "Allied" English – it "flied").

This entire "game" actually is the one that constitutes the core element of the negotiation process, the one that I will come back later to. Important to mention here is that, in the end, out of the 28 member nations represented around the table, only few have a saying on the matter being discussed and even fewer will, eventually, strive to influence final decision (out of these, even less, will actually be able to). For now, I will simply come back to the representation part.

So, the member nations are the only ones that bear a voting right and their representatives are being addressed to in formal sessions not by their names but by the name of the country they represent. They are sited at the table in the alphabetical order of the nations they represent and presumably act on an instructed basis. (Of course, there are nuances; some of them have been presented sooner). In informal sessions, national representatives are being addressed to by their middle name and are asked to present insights of the positions previously expressed in formal sessions. Informal sessions, that I will also detail later in this article, are the equivalent of the "off the record" saying in the media world. Whenever issues require to be called by their name and the formal diplomatic language needs to be left aside, situation that often happens in tense negotiations, with a lot at sake, informal working sessions are required. The name tag of the country is left aside and the person, not as a nation, is expected to give more information that can help negotiation process move further.

1.2. Chairman and its secretariat

All committees, boards, working groups, etc. within NATO are chaired by a chairperson that can be provided by one nation or can be a representative of the international staffs. In any case, the chairperson is supported in his/her work by a small secretariat. Sometimes, there might also be a vice-chairman. These persons act as facilitators or mediators among nations and are responsible for the good reflection of the discussions that have taken place in the written texts provided to nations after the meeting (decision sheets). Needless to say that, even if they have no decision making authority and are always required to maintain neutrality on topics being discussed, they retain, of course, some ability in influencing final decisions. And most of the times they will make use of it.

Revised versions of the text being negotiated are provided after each working session, if (some) progress is achieved. Otherwise, the text as such or only the parts of it that do not seem to reach an agreement are raised at an upper level, as a "chairman's report". In DPPC's case, the upper

level is the North Atlantic Council's in Permanent Session level. So the Ambassadors, Permanent Representatives of Allied nations to NATO have to decide. And most of the times they do and give directions back to the DPPC, but in very few occasions, issues are brought to a ministerial level (in formal or informal sessions, North Atlantic Council meets at defence ministerial level several times a year). Sometimes, even heads of state and government that meet during Summits once every two years can be the ones to finally trigger decisions. I haven't yet encountered situations where a previously taken decision, so a DPPC initial task cannot be implemented and in consequence "higher" authorities have to withdraw task. Even if this scenario may be brought into discussions, I doubt that it will ever make a case. Going back to a ministerial or even higher level and to decide that what has previously been agreed cannot be implemented would contradict the essence of the Organisation.

1.3. International staff representatives

Other representatives may come around the table or may chose to be in the conference room during the negotiations. They represent stakeholders within NATO (agencies, peace establishment structures, etc.) that might have various interests in final decision: they may be customers or providers of certain services or they may represent boards that cover financial or legal aspects within NATO, etc. They have no decision-making authority, as this right only belongs to the nations, but may influence, nevertheless, final decisions. Actually, they are the ones that hold a "bigger picture" of the topic being discussed, given the fact that they know it from another perspective (the one coming from the structure they represent).

Needless to mention that all persons representing NATO structures bear national interests as well. While the link with their capital is not encouraged in any way, it is certainly there, as most of international positions benefit from national support and some of the member countries even maintain commitment towards rehiring these personnel after the ending of their contract with the Alliance.

So, if we are to go back to the puzzle building metaphor used in the beginning, any of the above mentioned persons may be the creator of the puzzle and decide to move things around. Actually, in

order to achieve anything, the ones that have an interest should always think about themselves as being the creators of the puzzle and at least try to impose this image on the others around the table, as well.

1.4. Symbolism

Symbolism holds an important role during negotiations. It is part of the rigid structure of NATO, even if it may be looked upon as to an unwritten rule as well. It is the one that covers an entire network of relations, starting from all NATO associated symbols placed in the conference rooms, the round table as such, the respect that ought to be paid to the chairperson, to all the other representatives being present.

It is the one that, for example, says that one should only salute first persons situated at the same level as he/she is in the other decisions, and wait for the ones at a higher level to make the first move in this respect, no matter how well they are acquainted. Or that it is never polite to be late to a committee meeting or miss some hours of it (if, nevertheless, it happens, apologies should be presented at the table during the first spoken intervention). Other such unwritten rules say that it is not polite to take the floor several times in a row and, if this happen, apologies should be, again, presented.

2. Written and unwritten rules, formal versus informal. Where the rigid structure melts

The consensus rule brings with it a heavy load. On one hand, it is the one that gives NATO certain glamour and strength through building on the relevance and importance of each participating nation, but, on the other hand it is the one that makes things tougher. Although I doubt that it is often the case of the new comers to play a hard game using this consensus rule (so, in my opinion, "getting to yes" in a consensus based environment is not a difficult endeavour due to the 28 number), the uncertainties of current international environment, national strong and fluctuating interests of the founding members of the Organisation, are elements that transform the negotiation process into a complex, enduring one. Getting more creative in reaching common ground is therefore required.

2.1. Unwritten rules

And what would be negotiations without these unwritten but very much spoken of rules, commonly agreed to at the level of one committee, which (try to) make the process smoother? The first unwritten rule invoked by at all levels of negotiations by nations is that "nothing is agreed until everything is agreed", actually underlying that participants retain the right to change parts of the negotiated text till the very end, even if at some point they seemed happy with it. This philosophy allows for manoeuvre space and, of course, for actual negotiations, as long as nations are willing to give something in return for getting something back. Still, chairman of the meeting may chose, at some points, to "freeze" parts of the text that have already been agreed to and only discuss the paragraphs that did not reach consensus. The decision has to be presented and approved by all nations, and it happens only when things seem to be stopped.

Other rules are being invoked at the level of my committee, such as the "golden rule" (meaning that "the one that holds the gold makes the rule"), "constructive ambiguity" (text that is intentionally left ambiguous enough so as to allow for further manoeuvre space – it seems that this rule also works in EU environment), "Jack's rule" (let somebody get something not so important that can be used as a first gain in later negotiations). All these were and still are used in order to keep things moving, also by providing a more relaxed atmosphere.

It is quite normal since dealing with uncertainties cannot be otherwise performed than going back to the origins. Those origins when a hand shake would conclude a deal rather than any other binding paper.

2.2. Formal versus informal negotiations

I have previously mentioned some words about formal versus informal negotiations. Without repeating that, I shall refer here to some other situations where informal negotiations are encountered. It is for the smaller, focused on a certain topic working groups created under the coordination of the committee in its formal status. A rather recent format for this informal working groups mandated by the formal group "at 28" are "tiger-teams". These are made out of a limited number of nations, where each participating country may also bear the interests of other, non-

participating, countries. The teams are assigned to deal with rather technical details, unsolved at the "bigger" level. Usually, these "tiger-teams" may decide to consult with other interested nations or parties and are always supported by a secretariat provided by NATO. More or less, these "tiger-teams" are situated exactly on the border-line between formal and informal working groups (they are mandated by a group in a formal session) and they are dissolved as soon as they reach agreement and present it in a formal session of the committee. As a very important rule that I found out to trigger immediate reaction if not respected, one should never attribute to a country in a formal session an informally-presented statement. It places the referred to country in an awkward situation and requires for immediate reaction in the formal session. A phrase that was bluntly, with no constraints at all formulated in an informal session might be interesting to be mentioned in a formal one, so it may be worth mentioning, but without being attributed.

At times, a country may ask for the creation of a smaller working-group that is invited at that nation's Permanent Delegation in order to formulate a certain paragraph or a section of a text. In most of the cases this informal working group works for only a few hours, on matters that are perfectly understood, and all nations' views are known and can be accommodated. The inviting country has a particular interest or experience on the matter, but it should, nevertheless, maintain "official" impartiality in drafting this text.

A rather similar situation is when ad-hoc working groups or round tables are organised by a nation or by the international secretariat in order to allow for nations to express views and perspectives on certain topics. Sometimes, when a representative comes at these informal groups with no prior discussion with his capital may cause confusion but details on what the author considers a possible alternative on capital/national representative will be later introduced.

Working lunches or coffees, consultations over the phone or other communication means (e-mails) are also considered as informal sessions. They help national representatives maintain contact and build trust, get accustomed to everybody else's interests and know where and how everybody's position fits. There are many ways to build on this, but what I consider to be my most relevant rule is

"have no fears!" since, with very few exceptions, national representatives have no obvious pre-set judgement on other nations, and these are, by all means, not encouraged at all. There should be no room for jokes or mocking references to other nations, communities than the ones that one belong to (self-irony), and this approach should be rejected. And personally, I have refused to go on that road. There are many reasons for which one representative might intimidate another one and these are on very rare occasions linked to nationality. Of course, as everything else stated in this study, there are significant exceptions, but I, myself, chose to ignore those persons around the table that based on my nationality or my gender assumed a certain attitude.

2.3. Relations with one's capital

Cultivating good relations with national authorities is a must. They need to be aware of what happens during the committee works and when it is the best time for re-action, if so decided. On the occasion of his fare-well speech, a national representative within DPPC underlined that, in his opinion, making a good diplomat within NATO refers to not just reproducing to the capital what is being discussed at the committee level, but also of being able to explain where the compromise can be reached. The message being sent was that the art of being a good diplomat and that of negotiation must not only be used during the debates taking place at the round table, so in relation with the other member states, but should also be applied when contacting national authorities. No doubt that, at the level of each Delegation there are persons that do not process for their capital the peaces of information gathered at the level of its committee or, even worse, that have tried to convince their capital or certain colleagues within Allied structures of the positive aspects that would come out from implementing their own point of view. These last two approaches are not the ones that make the object of current study. But yes, there are numerous situations during negotiation process when these apply.

Also extremely important is that capitals or permanent delegations should first and foremost protect their national representatives. It is a prerequisite that national representatives need to feel in order to be able to perform well. However, capitals may chose from time to time to send a strong message by also replacing personnel and people talk of persons having been changed due to their poor performances or lack of involvement during negotiations.

And, of course, capitals always know better. They have been submitted to other data as well and most of their guidance is well-based and undisputed. Sometimes, if too sensitive, it needs coordination within Permanent Delegation to NATO so that the message is well captured and transmitted.

2.4. Resistance

I trust that being able to spend many hours in a conference room and making sense of what is being discussed requires a certain technique that one should be able to cultivate for himself. Common sense and dedication should be the key words in assuming a certain attitude. At first, a national representative should try to adopt on a personal level national mandate that implies not just a good knowledge of it, but also the encompassing of a solid line of argumentation in its favour, with a careful scrutiny of sensitivities shown by other nations. Then, the mandate must be provided at the right moment that is also agreed to with the capital. A correct attitude during negotiations, no matter how exhausting or complex it may seem, should always start from the full respect of time and effort spent by each national representative and by each capital that this one stands for. Only such a manner could guarantee gaining respect for one's person, but also for national capital.

2.5. Degrees of assuming various papers

Papers being discussed may introduce many ambiguities that can allow for compromise. They can be noted, endorsed, approved, etc. All these terms actually present various degrees of certainty and compliance. At times, a document may hold only a few paragraphs that are being approved, while the rest of it is noted, therefore allowing for further discussions, while acting only as guidelines.

Most of the documents in NATO make use and tend to quote as much as possible of the previously agreed language. It may seem difficult, but it actually shows good-will, transparency, and respect to what has been discussed, to previously stated national positions. And, some of them aim at the issuing of other documents (policies, doctrines)

in certain areas that haven't been yet normalized. It happens when new boundaries are created, when old structures change into new ones. This also leaves room for ambiguity and can contribute to reaching compromise.

2.6. Written language

The language as such is a melting factor. Most of the times it does not even sound like English or like any other language in the world, but it encompasses everybody's sensitivities and makes things move further. A number of idioms, such as "to the best extent possible", "other areas may be explored", "as convenient", may often be inserted in the text, so that "constructive ambiguity" is maintained.

Each of the above elements, and certainly many others, are the factors that add all the spices to negotiations within NATO. No matter how ambiguous they may seem, they actually constitute strong statements of NATO's commitments towards change, transparency, ability to react to current challenges. They show national support to compromise and to finding the right path that can ensure equal treatment to all member countries.

Conclusions

A sense of confusion is often encountered during negotiations and, most of the times, it is provided by the aspects that are being negotiated in informal meetings by interested nations on a certain topic. In my experience, I have encountered several situations that make proof that such informal debates actually take place. The first one is when, after long negotiations that seem to go nowhere, the agreement is easily reached, and the elements that seemed insurmountable up till recent are overcome. And a second situation appears when negotiations are blocked due to a draft project that seems to have nothing in common with the main topic being negotiated. As mentioned, both situations are a living proof that informal negotiations are taking place and that, in the first case, were successful, while in the second one, not.

Negotiations are played within these boundaries: there is a commonly agreed to task (that is translated into the mandate as such, always provided by the Council) that bears with it the final picture, mostly understood by all around the table, and national or personal interests in getting there. During the process, so it seems that this initial understanding of the picture is not that clear for every representative or capital, and yes, that "nothing is agreed until everything is agreed". Needless to say that there are nations that fight as hard as possible to preserve Allied values and symbolism and these are the ones that would always try to reach compromise and find win-win solutions, while others might show a tendency in contradicting everything that is put on the table. These last ones do not preserve the values and traditions of the Alliance. New members (Romania included), are usually the ones fighting hard for maintaining the statu quo of NATO.

While at the table, supporting what, at first glance, seems hard to get, one faces his biggest fears. And the deepest personality features come alive in a weird way. If one is arrogant, but usually covers this under a lot of "diplomatic"-polish, it is impossible to escape this when debating on a certain topic and bringing arguments to back up his position. Therefore, even insults should be eliminated from a diplomat's language, these are often brought into the speech along with official arguments, and the resulting mixture only leads to an increase of the tension already installed at the committee level. As I have tried to transmit all through current study, a national representative's attitude should inspire respect, dignity and, to the extent possible, should work towards reaching compromise.

I also strongly believe that the nation one represents and in the name of which a national delegate speaks, should, in no way, minimized during discussions, no matter if these are beard on an informal or informal level. However, one cannot deny the fact that there are mixed feelings associated with the interventions and it is up to the personality of the speaker to temper any of the escalations.

Politeness should also be the key and even if one is provoked at a response through a rough intervention, best reaction is not to give a reply. And, if one's position was made clear from the beginning, one might chose not to speak (take the floor) again during that meeting. For example, in a certain context, I was asked by my capital to provide some comments that seemed to contradict the way things were going with the paper being discussed. Without too much enthusiasm, I clearly stated the arguments provided by my authorities. I

have decided not to take the floor again, although the stated intervention raised a rather vivid debate among my colleagues and the international secretariat representative, that held a different opinion than mine, contradicted my arguments in a strong intervention. Choosing not to answer to certain incitements and not to contribute to the raise of tensions is, most often, the best option.

Ensuring a good flow of negotiations actually requires a degree of detachment on behalf of the national representative from his inner self. It means that a good diplomat should not allow personal impulses to take part in the negotiation process as such and that the elements that are perceived as challenges requiring for an immediate reaction should be ignored. Of course, there are some other circumstances, when debates are not getting that personal but are rather kept at a theoretical perspective, when arguing for or against one opinion is like a fist fight that is only generating energy and power, and in no way minimizing the adversary. These moments are the ones that approach the speech with all due respect, that make use of rhetoric and allow for an argumented construction

of the spoken interventions. The exchange of lines during such debates make evidence for the eloquence of the speaker, for its ability to gather information and to transmit it, give elegance and excellence to the ones around the table. It is worth remembering that taking the floor must be done in full respect of everybody else's time spent there. In consequence, if one cares to take the floor for a second or even a third time, one should apologise at the table for doing so, as stated earlier.

However done, the job of representing one's nation is exhausting in many ways, but extremely rewarding and thrilling in others. It comes with a lot of frustrations and fears but it is the type of job that "builds on a character" and brings something majestic in one's personality. Getting to yes in multinational environment is and should always be done in the honour of this given to mandate.

NOTE:

1 Between December 2009-December 2012, Anamaria IORGA served as defence adviser at Romanian Permanent Delegation to NATO.

SCIENCE IN THE MIRROR. TOWARDS A NEW METHOD OF PARADIGM COMPARISON
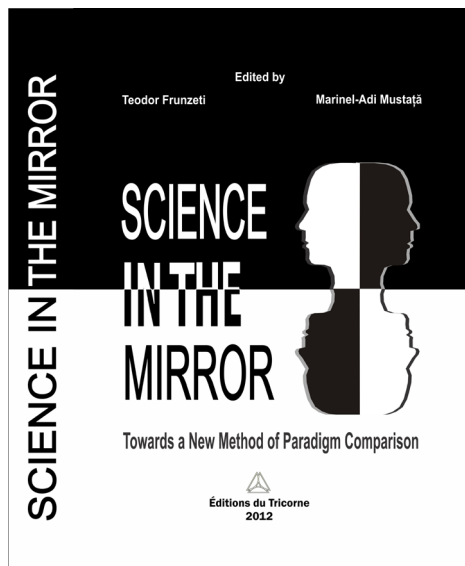
In this edition of the journal, I would like to signal our readers a volume called *Science in the Mirror. Towards a New Method of Paradigm Comparison*, under the coordination of Teodor Frunzeti, PhD. professor and Marinel-Adi Mustață, PhD. junior lecturer, printed in 2012 under the aegis of Éditions du Tricorne in Geneva, Switzerland.

The starting point of this scientific demarche was an exploratory workshop held at National Defence University "Carol I" in December 2011, in which academia members debated on two paradigms: the General Systems Theory and the Processual – Organic Theory, in the attempt to find what is the most appropriate paradigmatic option out of the two for analyzing specific scientific fields. The workshop was held in the framework

of a research grant of the Romanian National Authority for Scientific Research, called "The Epistemic Competency of Military Decision-makers".

Authors contributing the volume – as the book is the result of the common effort of over thirty scientists, professors and researchers – approached the field or the object of study they were interested in having in mind the major breakthroughs and limitations specific to the paradigm of their choice. Choosing the two paradigms aims to find a common strand for unidisciplinary benchmarks.

A main premise of this volume is, according to its editors, the need to explicitly and as comprehensive as possible delimitate the "cone of possibles" specific to the two paradigms.

The research domains proposed by the authors are abiotic, biotic, social, technical and technological dimensions of human social existence. Several disciplines were dealt with, namely Psychology, Epistemology, Organizations Theory, Pedagogy, Sociology and Management.

The volume is organized in three sections, preceded by an introductory paper, *From Sensorial to Scientific Knowledge*, signed by Teodor Frunzeti. Section I, *The Systems View of Science*, is more comprehensive and approaches several topics though the General Systems Theory. Section II, *The Processual-Organic View of Science*, is dedicated to Processual – Organic Theory, with the explicit task of exploring its openings and limits in studying various research domains. Section III, *Towards a Methodology of Paradigm Comparison*, authored by Marinel-Adi Mustață and Marius Hanganu, consists of a paper that comes

as a conclusion of the research, a comparative analysis of the two paradigms in question, with the declared expectation that out of this exercise a new comparison methodology would take shape. The editors set themselves to systemize the critique addressed towards the two paradigms and try to use the contributions in the first two sections in confirming or falsifying the critique.

The fundamental principle that underlies the analysis is a kind of 'Tao of Epistemology', by this, the editors understanding that only by accepting a so-called "dance of opposites" as the coordinators call it, one can stay on the path that leads to truth. The editors do not take sides, instead they observe the interaction between chapters and hope that out of this contemplative attitude "knowledge about knowledge" would advance. In a certain sense, the volume can be resembled to a statistical report in which raw data are compiled, but which leaves to the reader the task of performing the interpretative part of the analysis. The aim of the initiators of the project was to brainstorm the openings and limits of the two paradigms as wide as possible, without preconceptions.

The novelty of the project, as Teodor Frunzeti and Marinel-Adi Mustață point out, consists in the idea of empowering individuals to connect to the most advanced results of human knowledge and apply them in their research work. The initiative intends to surpass the limits of the quantitative approach to information to the degree of actually providing some useful methodological guidance for those interested in "knowing more and knowing better".

The book can be of interest for researchers in particular fields of science that could find useful insights from one perspective or another or, even more challenging, from both paradigms.

Science in the Mirror is a message to all scientists that are willing reflect upon the implicit premises that underlie research. It is a call for lucidity and self-awareness and it launches a model of comparing a personal view of the world with existing alternatives. It is also, as the editors say, a cry against the naïve interpretation of knowledge that overemphasizes the sovereignty of empirical and inductive reasoning, which in most cases cannot but lead to deforming simplifications and hasted generalizations.

In conclusion, the book is an original and bold scientific endeavour which, in my opinion, succeeded in the task outlined by its editors.

Daniela RĂPAN*

* Daniela RĂPAN, PhD candidate in Military Sciences at "Carol I" National Defence University, works with the Centre for Defence and Security Strategic Studies (CDSSS) within the same institution, Bucharest, Romania. E-mail: rapan.daniela@unap.ro

ACTIVITIES OF THE CENTRE FOR DEFENCE AND SECURITY STRATEGIC STUDIES

JANUARY – MARCH 2013

The most recent studies published by the researchers of the Centre for Defence and Security Strategic Studies are ***Romania's Regionalization and its National Security***, authored by Alexandra Sarcinschi, PhD and Cristian Băhnăreanu, PhD and ***The Evolution of the Security Environment in The Wider Black Sea Area and its Influence on the Configuration of Romanian Naval Forces on Medium and Long Term***, by Cristina Bogzeanu.

In February, occasioned by the Russian Federation national holiday celebrating the Defender of the Fatherland, "Carol I" National Defence University and the Centre for Defence and Security Strategic Studies organized ***a round table with the topic Romanian-Russian Military Relations.*** In the event participated HE the Ambassador of the Russian Federation in Romania and the defence attaché. HE Mr. Oleg S. Malginov, extraordinary and plenipotentiary ambassador of the Russian Federation in Bucharest delivered a speech on this occasion. There were held a series of communications on the aforementioned theme, approaching both historic and contemporary bilateral relations of the two countries. Materials were prepared and delivered by representatives of Centre for Defence and Security Strategic Studies, Institute for Political Studies of Defence and Military History, "Carol I" National Defence University teaching staff and Ministry of National Defence.

An important scientific event that CDSSS is organizing in ***May 30, 2013 is the scientific seminar with international participation – XIIth edition – with the theme The Impact of European Union Member States' Status and Roles upon European Security Evolution.*** In the activity were invited to participate senior officials within Ministry of National Defence, Ministry of Foreign Affairs, Ministry of Interior, rectors of military and civilian universities as well as personalities of the Romanian and international scientific community.

We also signal to our readers interested to disseminate the results of their scientific research and to possible sponsors, the *International Conference Strategies XXI* with theme ***"The Complex and Dynamic Nature of the Security Environment"***, that the CDSSS is organising in November, 21-22 2013. Detailed information will be posted on CDSSS site (http://cssas.unap.ro) and on the conference site (http://www.strategii21.ro/index.php/ro/).

Daniela RĂPAN

GUIDELINES FOR AUTHORS

We welcome those interested in publishing articles in the bilingual scientific magazine *Strategic Impact*, while subjecting their attention towards aspects to consider upon drafting their articles.

ARTICLE STRUCTURE

• Title (centred, capital, bold characters).

• A short presentation of the author, comprising the following elements: given name, last name (the latter shall be written in capital letters, to avoid confusion), main institutional affiliation and position held, military rank, academic title, scientific title (PhD title or PhD candidate – domain and university), city and country of residence, e-mail address.

• A relevant abstract, which is not to exceed 150 words (italic characters).

• 5-8 relevant key-words (italic characters).

• Introduction / preliminary considerations.

• 2 - 4 chapters, subchapters if needed.

• Conclusions.

• Tables / graphics / figures shall be sent in .jpeg / .png. / .tiff. format as well. Below will be mentioned "Table no. 1, title" / "Figure no. 1 title"; (italic characters) the source, if applicable, shall be mentioned in a footnote.

REFERENCES shall be made according to academic regulations, in the form of endnotes. All quoted works shall be mentioned in the references, as seen below. Titles of works shall be written in the language in which they were consulted.

Example of book: Joshua S. GOLDSTEIN; Jon C. PEVEHOUSE, *International Relations*, Longman Publishing House, 2010, pp. 356-382.

Example of article: Teodor FRUNZETI; Marius HANGANU, "New Paradigms of Armed Combat and their Influence on Military Forces' Training", in *Strategic Impact*, no. 4/2011, pp. 5-15.

Electronic sources shall be indicated in full, at the same time mentioning what the source represents (in the case of endnotes, the following mention shall be made: accessed on month, day, year).

BIBLIOGRAPHY shall contain all studied works, numbered, in alphabetical order, as seen below. Titles of works shall be written in the language in which they were consulted.

Example of book: GOLDSTEIN, Joshua S.; PEVEHOUSE, Jon C., *International Relations,* Longman Publishing House, 2010.

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Electronic sources shall be indicated in full, at the same time mentioning what the source represents.

ARTICLE LENGTH may vary between 6 -12 pages (including bibliography and notes, tables and figures, if any). Page settings: margins - 2 cm, A 4 paper. The article shall be written in Times New Roman font, size 11, one line spacing. The document shall be saved as Word 2003 (.doc). The name of the document shall contain the author's name.

SELECTION CRITERIA are the following: the theme of the article must be in line with the subjects dealt by the magazine: up-to-date topics related to political-military aspects, security, defence, geopolitics and geostrategies, international relations, intelligence; the quality of the scientific content; originality of the paper; novelty character – it should not have been priorly published; a relevant bibliography comprising recent and prestigious specialized works; English language has to correspond to academic standards; adequacy to the editorial standards adopted by the magazine. Editors reserve the right to request authors or to make any changes considered necessary.

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DEADLINES: authors will send their articles in English to the editor's e-mail address, **impactstrategic@unap.ro**, according to the following time schedule: 15 December (no. 1); 15 March (no. 2); 15 June (no. 3) and 15 September (no. 4). If the article is accepted for publication, an integral translation of the article for the Romanian edition of the magazine will be provided by the editor.

Failing to comply with these rules shall trigger article's rejection.

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