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CONTENT

SECURITY AND MILITARY STRATEGY

INFORMATIONAL SOCIETY. PEACE AND WAR

ANALYSIS, SYNTHESIS, EVALUATIONS

POINT OF VIEWS

TERRORISM. THE WAR AGAINST TERRORISM

REVIEWS

C.D.S.S.S.' AGENDA

THE MEANING OF TRANSFORMATION

ARGUMENT

EDITORIAL

What is transformation ? Why is it necessary ? Is it connected with that famous thermodynamic principle? Since December 1989, we like to say that we love change. All of the time we want, we must and even we succeed in changing something, here and there, but actually without changing the essence. This is another issue that will find its solution in what we started asserting the change of the change. Whether we like it or not, world is changing. Since 1990, Romania got connected with the worldwide spread information, cable television, comouter, hardware and software explosion, Internet, virtual library, high-tech wonders, IT. They do not compensate the breaking and replacement of economy, but mean a lot for the new transformation philosophy. For 15 years computer has become an indispensable tool of our lives and it still amazes us. We do not have time to get rid of it as any computer has to be upgraded annually, if not monthly. And not because this is a new trifle – let's call it the IT trifle - but because of the need to have a fast and complete access to information in order to work effectively and intensively in the world's rhythm.

Is this the meaning of transformation that has been lately talked about? Of course it is. Human being, in the epistemological future society, will be more and more dependent on information and computer. His tube life will significantly depend on the things forming a sort of a virtual society and for sure war will turn more and more in the virtual space, with its new electronical and informational tools. It will change by Network Centric Warfare or Network Centric Operations as war is too serious to be led only by soldiers and not to expand its philosophy and pragmatic spirit in economy, politics, media, information, geophysical space and cyberspace. This is widely the meaning of transformation and probably we will turn consistently to the philosophy used in distant eras. Then war did not produce dead and wounded but benefic effects for one of the sides and even for all the entities involved in conflict.

Far from simplifying the things and getting to a new utopia, it is recommended not to forget where we started from, where we go, where do we have to get and where we need to stop, from time to time, in order not to forget our roots.

In order to prevent such an event, NATO defined precisely and pragmatically this meaning of transformation. It has founded a Strategic Command of Transformation. The same concept is applicable when we speak of European Union's philosophy and physiognomy, especially on European Security and Defence Policy (ESDP) area. Obviously, NATO's and ESDP's transformation aim concise and pragmatic objectives, determined by a careful analysis of the new risks and threats, especially the asymmetrical ones (terrorism, the spread of nuclear, radiological, biological and chemical means, the ones aiming the poor, climax, resources, water, geophysical, cosmic and informational space) and the system and process vulnerabilities and by the necessity of an effective response.

NATO's transformation is deep. It aims the increase and effectiveness of rapid reaction capabilities, promoting the effects based operations, working with preemptive strategies and ensuring effective force structures. By ESDP and the European Security Strategy, the European General Staff has developed and led several operations (Concordia, Artemis, Althea) based on effects. The 13 tactical groups compounded of 1.500 people that are part of the European Rapid Reaction Forces represent a concrete expression of European Union's concerns, complementary to NATO's, for transforming the structures, policies and strategies aimed to be important and effective in actual and future crisis management conflicts.

Transformation is an ongoing process. Nothing looses, nothing wastes and everything is regained. Transformation is an expression of future. It expresses a law of complex dynamic systems and has to be obeyed and applied with responsibility.

NATO is an alliance of sovereign states, according to the Article 1 of Washington Treaty. The European Union pays a large attention to the pillars – economy, the common European policy, state order – in order not to turn them, by weakening the states' power into fragile pillars without long-lasting structures.

Therefore, we come to a significant conclusion: states, these active "bees" of all the times, are the ones building the transformation and its solidity. They can not get rid of the transformations responsibility, no matter in what area they are. Their real role is to build the future and large international security structures, required for the good functioning of the tomorrow epistemological society. States are not produced by NATO and EU, but these organizations are the resultant of states' cooperation and responsibilities. But NATO and EU determine states to transform themselves in concordance with the sense required by the new type of society that seems to be shaped in the first century of this millennium.

THE GLOBALIZATION, INTEGRATION AND DEVELOPMENT – THE PILLARS OF A LASTING WORLD

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1. General considerations

The end of the XX century and the beginning of the XXI century have been and still is marked by two very complex and dynamic processes – globalization and integration. Both these processes represent the interdependence and interaction that characterize the development of human society. This double tendency becomes more evident in the politic and economic domains, than in other sectors of activity because they allow many actors to take part in them and the effects are easier to be noticed… They attract the attention because they are part of our everyday life.

The interdependence is important because of its strong connections with national and world economies. For example, an economic crisis in USA or the decisions taken by the countries that export oil connected with the price of oil have consequences all over the world, influencing on a smaller or a greater scale all the states. We assist, lately, at the free circulation of the capitals and of work force. Investments are made where it is estimated that the profits are safe and guaranteed, and work force goes to the countries where there are the best earnings. Thus, people get the acute conscience of belonging to the human community. Form the viewpoint we can talk about integration. In every day language, we say that "distance doesn't matter" and that "traveling connects people". In other words, the whole world tends to unity, and all the countries take part to a smaller or a greater extend to these processes. They will lead, in the end, to the building to an everlasting global society.

In its turn, the effects of both globalization and integration influence Romania. The best answer to these challenges is to acknowledge the natural development of humankind and to follow it. Romania relatively succeeded in following the patterns of world development and its start was a good one. Here we can mention the fact that Romania is now a member of NATO and is about to become a member of the European Union.

2. Globalization – a complex process

Globalization is a word often used, a fact that demonstrates that it is an up to date term. It is used by the social and human sciences, it is used in management scientific papers, and it is used by the politicians in their speeches as well as by the mass media. That is why the word globalization has different meanings, from author to author. Some say: "Globalization is the ensemble of phenomena which result from the fact that more economies open themselves to foreign merchandize and capitals. It is founded on the ever-growing international economic relationships. Their growth was on the average 7%/year, compared to the growth of production which was only 2.3%/year"[1]. The multinational companies from the industrialized countries developed these economic changes.

Globalization means both the migration of people in search of better wages as well as an acceleration of the transactions on the change markets – everyday there are transactions in amount of 1,400 billion dollars – these facts can produce a destabilization of some national economies, especially of those belonging to underdeveloped countries.

Another definition is offered by sociology. Giddens says:

"Globalization supports the development of social and economic relationships, which extend all over the world… A key aspect of a study on globalization is the birth of a world system, which means that we must look at the world as having only one social order"[2].

Following this definition, we can appreciate that the phenomenon of globalization represents a future stage of the social, politic, economic and cultural development process. First and most, globalization is a geo-economics process, as well as a geo-politic and geo-cultural process. This process is characterized by the fact that it has as a result a qualitative change of national economies. They become open sub-systems that integrate themselves in the world economy system. Foremost, even the idea of "national economy" has changed. There is the tendency that the roles of main economic institution to be played by the trans-national corporation, which places its factories and sells its products in the most suited places, without taking into account the national borders. Thus, the process of the international division of labor deepens and, hence, the possibility of the development of flourishing economic regions in each country appears on one hand, and on the other hand, there are regions that provide raw material and are very good markets for the products of trans-national corporations.

As a result, we can say that globalization has an enormous potential to generate growth, but, at the same time, to reduce the competences of the state nation in the economic, financial and political fields. Unfortunately, it offers no other alternative to this situation. Given the situation above, a state can refuse the changes brought by the future, or, it can adopt those political and economic measures that facilitate its integration in world economic structures, in order to obtain the best benefit for its development.

As a conclusion, we can affirm that globalization is a complex phenomenon that influences all the fields of human activity. Some authors consider that globalization can bring well being and happiness to the whole world, while other authors consider that globalization is a prejudicial phenomenon, which generates negative effects.

3. Integration – a multi-dimensional, optional and selective process

Integration is another word as widespread as the word globalization. In general, integration represents the adjustment of an individual, of a group or of a state to an aggregate; integration is a multi-dimensional concept. It has psychosocial, political, consensual, economic, ethnological and social dimensions.

Psychosocial integration reflects the inward process that allows the integrated part – individual, group or state- to assimilate, to adopt and to act according to the regulations and values of the medium in which it integrates itself. That is why two stages were necessary for Romania to integrate itself in the Euro-Atlantic structures: first, the specific norms for NATO's activities were assimilated, and the Romanian troops were prepared, and then, in the second stage, Romania has become a full member of NATO. This new statute gives our country an important role in the zonal security, as well as at planetary level.

Political integration is the process that supervises an individual, a group and a state while they adopt a way of taking action, of feeling and of seeing everything form the perspective of the environment in which they want to integrate themselves. For example, now, Romania makes sustained efforts to meet all the criteria of integration imposed by UE. Meeting all these criteria means for Romania to be accepted as a state member of the European Union in January 2007. The political integration means more than meeting these criteria, as well as the norms and values promoted by the Union; Romania has to give up some of its mentalities, traditions and customs and to adopt a new behavioral pattern.

Consensual integration defines the mechanism by which the integrator environment adopts common decisions. In fact, the one, who wants to integrate him, is forced to accept this way of decision-making, namely the adoption of similar attitudes as those of the other members of the human community, confronted with different problems. To be integrated means to adopt the behavioral patterns of the integrator.

Economic integration has two aspects. First, integration means the assimilation and the application of a set of norms, principles and regulations belonging to the integrator environment in the economic field. The economic integration is also a result, because we are dealing with the effects of assimilation and of application of norms, principles and regulations characteristic for the activities that take place in the integrator economic institution. Through this type of integration, the national economies become components of the world economic system. This kind of integration has its peaks and its downfalls.

Ethnological integration represents the process by which the culture of the integrator environment unifies and organizes the behaviors of its members according to the values they protect and promote. The national cultural values are accepted if they concur with the objective set by the integrator.

Social integration is another dimension of the general process of integration. It reflects the change in the behavior of the members according to the adjustment to the integrator structure. If we speak about the integration of a state in a political- military structure or in a political-economic structure, we have to mention the fact that the citizens must assimilate the social norms and values unanimously accepted and to adopt a behavioral pattern accepted by the integrator.

Integration can be also an optional and selective process. This process is optional because the individual, the group or the state that want to integrate, perform this action in a conscious and voluntary way, this choice not being imposed. At the same tome, integration is a selective process because the integrator is the one who decides who is to be allowed or not as a member. Thus, the European Union, as a political and economic organization, decides what country can be a member, based on the adhering criteria.

As a conclusion, we can appreciate that integration is a multidimensional, optional and selective process, which, in essence, means the acceptance of common goals through the assimilation of social, economic, political and cultural roles and models of behavior and through the development of the same types of fundamental relations between the integrated parts and the integrator environment. The adopting of the norms and values of the integrator environment represent the most important parameter of an individual, group or state integration in a reference group, professional association or union of states; the moment this values and norms are considered national goals they will be promoted by the integrated parts.

4. Globalization, integration and development interrelating

Globalization is a vast, lasting, and extremely complex process both taking into account its negative and positive effects at global scale, as well as its objective character.

We have to underline that each state no matter how large or small, no matter of its economic development, political regime, or military power, cannot oppose to globalization. The human development tendency and sense is the building up of a global community. Marshall McLuhan speaks about this tendency in "The Global Village" (1986)[3].

UN has a similar point of view, which perceives globalization as a holist vision on the word and place of the individual in it. According to this holist conception, the word is an entity that comprises more reality and value than its component parts, namely the people. The birth of man in this entity is nothing but a stage in human development. The human being is real only because he is made up of matter, and his death is nothing but the returning to the universal matter. It is in his destiny to follow the biblical sense "ashes to ashes, and dust to dust". The UN in its Charte de la Terre sustains these ideas[4].

Integration is a process that cannot be imposed, each state being free to choose it or not. The option to be integrated in the UE belongs only to Romania and the country freely, responsibly and consciously, knowing both the costs and the advantages. The integration of Romania in the North Atlantic Alliance is the result of an identical process. We have to underline that both the integration in UE as well as that in NATO are selective processes, because the integrator environment chooses the state or the states that are to become members. Once accepted, a state begins its process of integration that must have two stages. First stage is the adjustment, a process that implies the assimilation of norms and values and the adoption of the behavioral patterns promoted by the integrator environment. The second stage the real integration takes place when the integrated part place its role by defending and promoting of all that is typical for the integrator environment. Globalization and integration as processes can be considered the foundations for the development of word states. This is true because the states create the institutional framework and validate the principal norms and regulations that are useful and sufficient for the building up of a planetary, lasting, human society. The relationship between globalization, integration and development are in a reciprocal relationship as well as in a relationship of determination. The reciprocal character resides in the fact that globalization and integration are interdependent processes that influence each other. Together they contribute to the development of human society. Globalization facilitates the integration of states in different political, economic, military, cultural, and social structures. In its terms, integration sustains globalization both in the economic field, as well as, in all human activity sectors. This thing also contributes to the development of world states. The relationship between globalization, integration and development is a determinative one because the first who mention lead to the accomplishment of the later. Globalization, as an objective process, in time, leads to the realization of the integration of the world states in the international community, which "will function" in optimal and lasting parameters.

The building up of a strong word community has to take into account the strengthening of the relationships between the states based on *democracy, social justice, the legitimacy of world public politics and the perennially of the economic growth*[5].

Democracy can be obtained through:

1) The enforcement of the role and legitimacy of the democratic states the main, pillar around which the world governance is built;

2) The improvement of democracy in international organization by making them more transparent and open to the civil society taking into account the population of the member states;

3) The public global decision making factors and the power factors must take the same steps by elaborating a world viable antitrust system and by fighting against transnational criminal organizations.

In its turn, the social justice should and ensure the convergence of incomes on grounds of politic legitimacy and economic effectiveness. In order to make all these concepts viable we should use methods generally accepted in order to ensure perennially of the economic growth. In the end, we can strongly affirm that globalization and integration really assure the premises for harmonious development of all the countries and from all points of view. This goal can be achieved if the relationships between the world states and their relationships with international organizations are founded on these values, principals, and regulations unanimously accepted.

Translated and abridged by Alexandrina VLAD

NOTES:

[1] Bernard GUILLOCHON, **Globalizare, o singură planetă, proiecte divergente**, Bucureşti, Enciclopedia RAO, 2003, p.7.

[2] Anthony GIDDENS, **Sociology**, Cambridge, 1991, p.727.

[3] Ilie BĂDESCU, Dan DINGACIU, **Sociologia şi geopolitica frontierei**, Bucureşti, Editura Floare Albastră, 1995, pp. 143-146.

[4] Michael SCHOOYANS, *L'ONU et la Globalization*, in http://perso.infonie.be/le feu/ms/framesfr/ onuglfr.htm

[5] Jean-Louis BIANCO et Jean-Michael SEVERINO, *Globalisation, governance, development: un autre monde est possible*, in http: //www.hcci. gouv.fr/lecture/note/n1094.html

GLOBALISATION AND THE RELATION BETWEEN NATIONAL SECURITY AND INTERNATIONAL SECURITY

Petre DUȚU, PhD

1. Globalisation – complex and dynamic phenomenon

The globalisation phenomenon is a future stage of the overall process generating the political, economical and cultural development of humankind. First of all, globalisation is a geo-economical process and only then an approach and integration of different countries economies. The qualitative traits of these economies change, turning from closed systems to parts of a worldwide system. The notion "national economy" changes itself. The transnational corporation becomes the main economical institution, placing its factories and selling its products where convenient, without taking into consideration the traditional borders. That is why we witness an elaborate international process of labour. Inside a single state we see a double "economy", "flourishing enclaves", "donor regions" and "credible regions". Regions turn into raw material suppliers and markets for the transnational corporations, without developing their own production capabilities.

In discussions about globalisation the notion of 'losers' appears more and more often – social layers or notions confronted with the economical development and with no chances to get out of a difficult situation just as the free flow of goods from developing countries to poor countries diminish, the chance of poor countries to develop their production in different fields. There is an ongoing increase a discrepancy between rich and poor countries.

This involves a global destabilization and safety. For instance, the creation of the new technological principles, including the informational ones, is massed in the United States, Germany and Japan. These countries have distanced hugely and determine the evolution of humankind.

There are few topics as controversial as globalisation. We all feel a huge chance affecting each of us, whether we talk of peasants from the Republic of Moldavia or India, students from Paris or London, bankers from Zurich or New York. Such a disturbance is difficult to put into order, especially when it is unable to be controlled. Usually people expect worth: What is valuable today will lose and the replacement may bring into attention only bad things. Thousands of specialists try daily to persuade people globalisation is a changing force for their good.

When they say globalisation is something darkening the human aspect it has connection with the fact that the simple citizen has no benefits. Not only traders from Wall Street, gurus in management or clerks benefit but also retired persons, as experts assert, as their funds may be successfully and rationally spent abroad. These may be us or the ones from United Kingdom, using Finnish cell phones, Japanese and Korean cameras, driving American or German cars, drinking Colombian coffee and wearing clothes made in Asia. Among us, there are also poor people buying cheaper food and clothes made abroad. There may be Indian programmers selling their products to U.S. companies, therefore, affording a good education and health insurance for their children. They may be Mexican farmers selling fruits to the U.S., Bangladeshis tailors sewing clothes for Europeans. All of them are the real face of globalisation.

However, it is true that the poor countries' standards of life may not be compared with the rich ones. A quarter of the world population survives with a dollar or less per day and 1.6 billion live with 1-2 dollars per day.

Globalisation has a huge potential of generating growth and meantime challenges status quo – integration decrease the national financial regulations, without offering a satisfactory alternative. It is not the right time to withdraw from future or turn back into past – a past that proved us clearly how barriers raised by others make our economies and ourselves poorer.

Ultimately, globalisation is a complex dynamic process affecting all areas. Some consider it able to bring happiness and welfare while others consider it noxious to the humankind by the negative effects it generates.

2. National security – symbol of the national state

Any state is completely concerned of preserving and promoting its fundamental interests that may be subject not to any military aggression but to other kind of aggressions and threats (such as political, economical, diplomatic, cultural, informational, psychological, biological). Due to the latter, any army or military alliance is powerless. Let's remember the 9/11 terrorist attacks, as a proof of asymmetrical aggression against a state. Therefore, the conception stating that the fundamental state interests require to be protected by adequate, preventive and flexible methods has been lately imposed.

Deriving from the Latin securitas-securitatis, security means "to be under protection against any danger, the trust and peace feeling that has someone in the absence of any danger"[1].

However, someone's security, person, human group or community, state or union of states, is not synonym with the absence of any real or fictive dangers, but with a coherent ensemble of methods, techniques and control procedures of any risks and threats. Anyone can develop freely his life and activity if and only if there are created and kept a certain series of favourable conditions. These conditions are represented by the feeling that there are no real or fictive dangers that might cause physical, material or psychical damages; the existence of a control system on behalf of the individual, human group and or state for the possible dangers, the optimal psychosocial climax inside the human group and society; the trust climax between the world states based on collaboration, cooperation and collaboration; norms and rules of behaviour, unanimously agreed and respected by individuals – as persons and members of different groups and human communities, states and unions of states.

Therefore, we may assert security is a state represented by the favourable, internal and international environmental, social, economical, military, diplomatic, political, informational and cultural system conditions that are the base of any human community. From geographical area perspective, security may be national (a state's territory), regional (comprises more states from a certain geographical area) and international (it refers to the whole planet).

The national security is a symbol of each independent and sovereign state[2]. Any security state has to ensure all the conditions in order its citizens feel safe, away from any risk, danger or threat.

"The national security options are based on internal reality, international situations and are determined by the citizens' common interest and the Romanian society potential to support them"[3].

As a matter of fact, the national security's objectives are: warranting rights and fundamental liberties, defending the national sovereign, independent, unitary and indivisible state, consolidating the law order and democratic institutions, ensuring a decent life level to its population, protecting and promoting the national interests abroad. These objectives are achieved both by political, legal, diplomatic, economical, social, military, public relations, informational means, by cooperation with state, political, economical, security organisations at local, regional and international level. Each national state particularizes these objectives and acts accordingly, in order to achieve them.

For Romania, the adopted national security strategy is based on the clear and irrevocable option of joining NATO and becoming an EU member.

The national security is based on acceptance and application of the international norms, on negotiating the litigious issues, respecting the human rights and promoting good relations with the neighbouring countries.

3. International security – dynamic and multidimensional reality

International security is a very often-used expression and there are different meanings. The differences may derive from the scientists' understanding and defining this concept.

Choosing the subject of "international security" is decisive. State, community, individual - as being, not as a citizen – may be subjects. According to the criteria chosen, we may define this concept. If we choose state criteria, then the international security is resultant of interaction between the national security of all world states. Therefore, we may assert the national security acts like a vector – it has value, direction and significance. Obviously, each state has its vector representing its national security. Their sum is also a vector and represents the resultant of the "national security" vectors. The international security, as a state when humankind may develop its life and activity, without being afraid of dangers and threats and according to certain norms and regulations adopted by all states, it is and will be the humankind hope.

An important role is played by the state's or political-military alliance's status. If the ones involved in supporting a certain pattern of international security have both theoretical and practical (economical, military and ethical) power, then the dissemination of the concept will be successful. Adopting the international concept from risks and threats perspective completes the list of criteria that will contribute to a clear definition of international security.

Therefore, we may assert the international security is a state of normality of the worldwide security environment, where risks and threats that might prejudice the people's physical and psychical integrity and their goods is effectively controlled by the ones managing the people's activities, both on national and global level. Therefore, the international security is a balance state resulted from the multiple and complex interactions between countries.

4. The relation between national and international security

We witness a strong and bipolar relation between national and international security. "Strong" refers to the independence and interactions between them. "Bipolar" refers to the inter-influence.

National security may be perceived as a component of the international security, as a relation between a part and a whole. Conversely, it is the international security that determines the national security. 9/11 has greatly influenced the international security by measures adopted by the international community and by each state. Similarly, any disturbance at international level, for example, in the energy area (the increase of the oil price) affects also the state's national security and not only its energy dimension.

Similarly, the national security influences the international one. The insecurity generated by the instability in Balkans, due to the Yugoslavian civil war, has determined the world community to intervene in order to solve out the conflict. Otherwise, there was a chance for its expansion in the region, by attracting the neighbouring countries into the conflict. Just as the threat represented by the dictatorial Iraqi regime for the regional peace stability and its support to worldwide terrorist organisations have determined the international community to preventively intervene, including the use of military means.

The relation between national and international security may also be studied from the human rights perspective. At international level, there is a new conception on the global security - human security. Under these circumstances, the individual becomes the subject of security. If we chose as object of security the individual or the population he comes from, then the international security is connected with the safety feeling, the adequate and effective control of risks and threats that might endanger the people's integrity.

According to this theory, the stress is on individual, despite its nationality, race or religion. Such a conception and political option is relevant after the Cold War. Nowadays, the peoples' security has become a systematic and constant concern of the international community.

Among the first application of these international concerns of the situation of a population inside a state dates back to 1991, when UN Security Council labelled as "threat against peace" a prejudice of security of civilians inside an independent and sovereign state. That was the moment when the regulations stipulated in UN Charter (Chapter VII), including the use of force were applied. This humanitarian intervention aimed to end up "the repression of Iraqi civilians, including the Kurds populated areas" threatening the international peace and security[4].

After that episode, similar decisions were adopted. From now on, the individuals' fate and their community is no longer an internal issue, it has become an international one.

The personal wealth goes further the limitation of economical factor. There are also taken into account factors as longevity, age, and access to education or to a decent standard of life, chance to make multiple choices.

The admittance of the fact that there are other threats than the military one to individual or community security establishes clearer the content of the global security as it is formulated by international and regional organizations with competencies ensuring stability and peace.

An eloquent instance is offered by UN interventions in unstable areas (such as Iraq, Afghanistan, Bosnia-Herzegovina, and Kosovo). Democratic countries work together with these organizations. They have the capacity to sustain adequately the activities connected with the individual's security, with the population and, therefore, with the international ones. As threats on individual's security we mention the systematic violation of human rights, the interdiction for the humanitarian organizations to help the ones suffering, the free and unlimited access to education, water and food sources. The Report on Human Development[5] in 1994 offers relevant data on the individual's security.

5. The impact of globalisation on the relation between national and international security

Globalisation, as a complex and multidimensional phenomenon, has a strong impact on the relation between the national and international security. It exerts both an influence to each of the elements and to the whole international community.

National security is influenced by globalisation, by its multiple effects on economical, social, political issues. Today, states are more interdependent. However, the intensification of globalisation assumes certain dangers to national economies. Due to disharmonized distribution of globalisation's advantages, its negative aspects will have repercussions mainly in the developed countries – they might stay away from progress – and this will be reflected on national security.

For the time being, it is difficult to speak with certainty on globalisation's lasting effects on the international community. Obviously, globalisation has both a positive and negative effect.

The good thing is that will increase the interactions between countries, creating opportunities for developing the human civilisation, especially on economical area. The increase of commercial, investment and technical exchanges, facilitation of contacts, getting familiar with other cultures, all of them are good for humankind. This interaction may be found in the relation between national security and international one. There will be an increase of the influence of the international security on the national one, due to the larger role played by the world community in managing crisis. The interdependence of the international relations generated by globalisation. It also brings new aspects on notions such as "national and international security" increases the number of external factors that influence the stable functioning of society. The international security influences more and more the guarantee of national security. That is why the global stability, offering assistance on building-up international mechanisms ensuring a lasting and balanced development will become priorities and key issues for regional communities.

The globalisation impact on relations between national and international security is experienced on the new challenges we face. Many dangers are regional or worldwide: environmental and technological disasters, transnational criminality, and the international terrorism. Just as an example, the terrorist threat is omnipresent and a constant concern for the time being.

Globalisation has also an impact on cultural level. Uncontrolled expansion of certain cultural patterns is prejudicial to national and cultural traditions, threatening their originality, affecting the national security. There may appear intercultural, interethnic conflicts that significantly affect the zonal or regional security, therefore, the international security.

As phenomena and process, globalisation acts on the relation mentioned previously by changes produced at state's sovereignty level. Some specific characteristics of the traditional concept of state sovereignty change – they pass to regional or international organisations acting on human security level.

6. Conclusions

Globalisation has a strong and deep impact due to economical, political, social, cultural, psychological and informational effects it generates and because of amplifying interdependencies and interactions between world states.

National security is a symbol of each state, but globalisation makes sovereignty changed substantially, changes unacceptable few years before. Increasingly, the problems a country confronts with have a global status come to regional and international bodies and organisations competencies.

As a resultant of the interactions between vectors, "national security", international security plays a major role on human security field. As global human security, international security has new dimensions that are not connected with the national state. In fact, UN involves more actively in the globalisation process, by the measures and programmes initiated at world level. Under these circumstances, an important role will be played by the approval by consensus of the "Earth Charter"[6].

NOTES:

1 **Dicționarul explicativ al limbii române,** București, Editura Univers Enciclopedic, 1998, p. 969.

2 Vezi: Dr. Petre DUȚU, *Globalizarea şi securitatea națională*, în Revista „IMPACT STRATEGIC"nr. 3/2004, pp. 91-98.

3 S**trategia de securitate națională a României**, București, 2001, p.2.

4 Julliette, VOINOV-KOHLER, L*a securite globale : Une approche exhaustive de menaces envers la securite de l'individu*, în http://www. deza.admin.ch/ ressourses/deza .product-f_337.pdf, p.5.

5 Ibidem, p.6 (PNUD =Programul Națiunilor Unite pentru Dezvoltare).

6 Michel SCHOOYANS, *L'ONU et la Globalisation*, în http://parso. infonie.be/le.feu/ms/cfr/onuglfr.pdf

CHANGES IN THE GLOBAL SECURITY ARCHITECTURE

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In the last decade of the 20th century we were whiteness on global political dramatic changes[1]. At the beginning of 90's, Warsaw Treaty dissolution[2], fall of the communists' totalitarian regimes and Soviet Union were predictable, but they were happen much quickly. Less predictable were their consequences[3] on varied fields, especially on politic-strategic plan, forces rapport and region states security. Now, US hegemony is unique in expansion and character and the US status as a first world power is unlikely to be contested by any individual power[4].

World geopolitical situation is very different than the one existent on several decades behind. Social, economic, scientific, demographic, ecologic evolutions are very different too and the regional and global security state is totally changed in the last decade of the 20th century.

The beginning of the 21st century opens a new era in international politics, where security and competition for affirmation and consolidation of the new actors in world power game fill the central place for world evolution determination and new global order settlement[5]. In Europe, Germany and France will continue to be major actors, enough powerful and reliable for exert an influence into a much larger region. In addition, in their vision these states are justified to represent the European interests in relations with Russian Federation, Germany sustaining "the great option of a special bilateral engagement with Russia"[6].

1. Preservation of identity, sovereignty, independence and territorial integrity – priority for human collectivities.

States' security politics and strategy

Human collectivities, in their evolution, have a priority regarding the preservation of identity, sovereignty, independence and territorial integrity. States as organizational political structures of the human communities have developed the national security concept (policy) for defending and promoting their interests. They are always concerned to have their own defense and security policy in concordance with foreign policy in order to achieve the goal of development of the military alliances and construction of security structures in other fields, especially in economical and social domain. Also, the states are always concerned by elaboration of the intern public law regulations in scope to protect they interests and maintain the social equilibrium, to ensure the human collectivities functioning and, in foreign policy field, to elaborate the bilateral, regional, international, global agreement regulations.

Foreign policy is materialized in the security strategy and represents a large guiding set of actions and evaluations adopted by the Government at national level for achieving the national goals. Its scope is to develop the social, economic and politic institutions' safe against threats possessed by other independent states. The manner used by the US officials is to address to security problems – what is urgent constitutes a priority in relation with what is important – is an relevant example referring to the limits of the major political decision makers' approach the problems witch we face in the future decades[7].

Generally, the security policy must respond to the question: *What we must do?* In other words, it represents the resulting activities of the political power owners' decisions taken for realization of an international environment "safe state". For example, Romanian security policy[8] joins to the Euro-Atlantic one and is based on a unitary set of principles, action directions and modalities for achieving the strategic goals of the Romanian National Security Strategy in order to promote our interests. According to 2004 Government Charta, Romania recognizes within the framework of its security policy as major threats the terrorism and economical-financial aggressions and for promoting and protecting of its national interests will react both by political, judicial, diplomatic, economic, social, military instruments and by cooperation with other states and participation in multinational processes and international organizations.

Usually, a security policy is realized in three forms:

– Military Security Policy – set of activities for external armed attack reduction or neutralization;

– Internal Security Policy – deal with subversion actions of internal forces addressing to the state;

– Situational Security Policy – its goal is to reduce the risk of an erosion witch occur because of long term changes at social, economic, demographic and political conditions level.

Security strategy responds to the question of *How to carry out the security policy?* It represents the skill and knowledge to develop and use the political and economic power of a nation together with its military forces on peace, crisis situations and war time for achieving the national objectives.

National (security) strategy, as any strategy, deals with strategic concepts. In essence, these are large scale actions and modalities to use the national power elements. These concepts settle "how" (where and when) to achieve the objectives.

Finally, the strategy must have means (national resources). They are expressed as national power, in other words the state capacity to carry out its national interests. They comprise many interdependent elements – political, economic and military – and establish the national strategy means.

Action modalities proposed in security strategy framework reveal the future actions of the state. But, they aren't exhaustive and let much place for other witch can appear in function of internal, subregional, regional and global security environment evolution, because, according with opinion of military analyst Moltke, ***Strategy is much more than a science. It is art of working under a hardest circumstances pressure***, it isn't a standard strategy, unique solution, infallible method, but only according with Zbigniew Brzezinski, ***guidance experiences and lessons***. In conclusion, these modalities, forms and means might be adapted, re-combined and re-renewed in function of priority and national interests' hierarchy changes. But that will be determined by the security environment change witch will imposes, at his turn, resources management and intensification modalities[9].

2. Security concept. Evolution and constitutive elements

In history, the security concept and his constitutive elements suffered essential changes as well as the states' attitude confronted by the modalities to transpose this in practice in relation with transformations witch occur at international level.

Pragmatically, the security concept can be equivalent with collocation "danger absence", "threats absence addressing to obtained values" and the insecurity one with "danger presence". In other words, a higher security correspond with a lower danger and a lower security correspond with a higher danger[10] – in each "security model" created, the threats are not only the security "definition criteria", but the inflection point, in function of what is different in each security models created. In consequence, each model identifies differently the security object: states (in westphalic paradigm) or ethnic-cultural groups, even individuals (in alternative models). A general, comprehensive definition of threat to security is that written by Richard Ullman: "an action or a events succession witch (1) serious threats with degradation of citizens life quality, in a relative short period of time or (2) is an threat not to ignore to freedom of choice of a Government policy or private or NGO entity"[11].

We don't want to review all security definitions, but we further present few of them in national and international context envisioned by prestigious specialists.

In American political science literature, as in political discourse, security concept deals with military or nonmilitary challenges and threats to the American interests anywhere in the world. Some political experts conceive that the challenges to security are based on three general sources: direct military threats, economic tendencies that are in contradiction with human welfare, and challenges at "national honor" address.

Also, in the opinion of both the American and Russian or European political specialists, the national security is defined thru perspective of interests and position occupied by these in ratio of international forces and tools used. For example, the American political expert, Walter Lippman, says that a nation had realized its security if it "don't exist any danger to sacrifice its essential values if he want to avoid the war and may (be capable) if it's provoked to preserve them for victory winning in such war". In other words, the security means the nation capacity to prevent a war or, if that is not a successful, to win a war in scope to not lose its national integrity and independence.

The other political specialists said that national security is defined as "nations plan for coordinating the use of all state power instruments – nonmilitary or military – in order to achieve the objectives which protect and promote its national interests" (|Terry L. Deibel) or "the ability of a nation to achieve with success the national interests, conform with its promoting manner in any side of the world" (Penelope Hartland-Thunberg)[12].

According to Michael H. H. Louw and others, the security includes "traditional defense policy of a nation and unlimited actions of a state to ensure the survival of all its capacity as a political entity in order to exert the influence and to achieve its internal and international objectives" or "that part of governmental policy which has as a goal the creation of national and international favorable conditions to protect or extend the vital national values against the existent or potential adversaries".

The other definitions of the security concept are:

- Dictionary of American Government defines the national security as a condition of military or defense advantage, a favorable position in international relations and a defense situation which allows a successful resistance against internal or external, hostile or disruptive actions[13].
- The National Defense College from Canada states that the national security represents "the preservation of a acceptable life standard for population" comparable with other legitimate needs and aspirations. This includes "the absence of military aggressions or coercion, internal subversions and political, economic and social values erosion, values which are essential for life quality".

In Romanian specialized literature and Romanian National Defense University[14], the national security is defined as "state's capacity to protect its values, political system and territory … a desired state/situation, realized by state political power so that material interests to be achieved without putting them in danger"[15] or "a state, a situation in which a state, as consequence of specific measures adoption, has the certitude that its existence, integrity and fundamental interests aren't in danger, … a process that is covered and managed by a state for achieving of the state that was previously defined"[16]; "security is primordially a perception problem …, and the conceptual approach of security must be made on systemic perspective in which security is a dynamic equilibrium state of a system where are carry on varied organized and unorganized processes"[17]. In my opinion, that subjective element, inherent for security policy, determines a frenetic race of all states for security and in reality the result is quite opposite.

Generally, the security and its correlative elements, argue the National Defense College graduates, starting from the objective situation that said that in world are a plurality of states which in some conditions may allow ensuring the existence of each state and all as a whole[18]. In other words, the security concept carries on "the ensuring of independency and territorial state integrity, prosperity, safety and durable development of whole society"[19].

Security is a relational concept, which implies a permanent adjustment of internal parameters set at international security environment conditions, and a process with a variable dynamic, oriented on preservation of national space and values. Both the internal and external sides have as a priority the political, diplomacy, economic, social, demographic, ecology, and military. In addition, it includes, conforming to some treaties, alliances and conventions, the bilateral, subregional, continental and global relations. These are sufficient arguments to explain and understand the global character of fight against the international terrorism which become a more needed component of globalization phenomena, the attitude of all democracies and Romanian state.

In this way, the security international aspects gained and gain more and more importance. The security isn't limited only to the national level and it can't be cut from the international security context. The Cold War ending determines a wide acceptation of that extended security model. The state isn't the only object of security.

In international relations history, the politico-military and strategic conceptions usually were based on the force idea, so the peace and security, as the state survival itself, depended by military, economic, demographic power and the power of its allies. So, that explains the emerging of some concepts such: "forces equilibrium", "deterrence", "peaceful coexistence" and more recently, "collective security", "democratic security", "multidimensional security" etc.

The qualitative gaps between solutions are also determined by the theoretical models capacity, which are appealed to "performance investigate the social side – avoiding the irrelevant cuttings –, to realize a superior qualitative information processing and finally to shape favorable solutions of which consequences can be evaluated"[20].

3. Alternative security models on Cold War period. Comprehensive security, common security and cooperative security

In contrast with traditional security concept which is centered on military dimension and protecting the state integrity, the security alternative models – comprehensive security, common security and cooperative security – extend the security concept and refer to the other factors such as migration, human rights and environment changes. But, taking in consideration the security object, these three security concepts (alternative models) aren't different than the traditional one – in these cases the state remains the security object, also.

For a better understanding, we present the main identification elements of security models previously mentioned.

Comprehensive security

Comprehensive security is a wider concept than traditional one. The comprehensive security concept, as an alternative security model of Cold War, must be approached at different levels (internal, bilateral, regional and global) and it addresses many fields – political, military and economic.

Comprehensive security must be understood in close connection with the threats that the created security model responds to[21], as following:

– political threats, such as: internal political instability, state failure, terrorism, human rights abuse etc.;

– economic threats, such as: poverty, rise of the gap between rich and poor states, international financial crises, impact of the economic powerful states on neighborhood instable countries;

– environmental threats, such as: nuclear disaster, global ecological changes, earth and water degradation, food and other resources lack;

– social threats, such as: majority (minority) conflicts, overpopulation, organized crime, transborder drugs trafficking, illegal commerce, uncontrolled massive immigration, and diseases.

The origin of the term is in Japan and it was formulated against the background of its transformation in a great economic power – Japan considered the economic field as the most important element of security.

Also, the comprehensive security idea was taken over by regional security organizations, as Organization for Security and Cooperation in Europe (OSCE) and The Association of Southeast Asian Nations (ASEAN).

Common security

Like the comprehensive security model, the common security concept coexisted during Cold War in parallel with the national security one. It addresses both military and nonmilitary threats.

The first elaborated formulation of this concept was that relieved on Palme Commission Report[22] entitled *The Common Security: a survival programme*, which sets the following six principles:

– all nations have the legitimate right to security;

– the military force isn't a legitimate instrument for solving the nations disagreements;

– abstaining is a necessity in international policy expression;

– the security can't be obtained thru military superiority;

– the armament reduction and qualitative restrictions are needed for common security;

– connections between the armament-related negotiations and political events might be avoided.

Cooperative security

As the previously model, this one coexisted during Cold War in parallel with the national security concept. The cooperative security model was developed within Cooperative Security North Pacific Dialogue in order to offer a multilateral security framework, which further substitutes the bipolar security structure existent during Cold War.

The concept is based on the presumption of the rule of law inside the state, especially in relations between states. It deals with cooperative customs construction (at theoretical or practical level) which may conduct to creation of "interstate mechanisms and commons institutions" relevant to common values promoting, and, on this base, ensuring and promoting of security. Cooperative security assumes the implication of all actors with similar opinions, of friendly states, but the other ones with different contentions, in creation process of multilateral institutions that will contribute to stability and security maintaining.

Cooperative security is a gradual process. It accepts the equilibrium of powers and existent bilateral agreements till the development of favor conditions for multilateralism.

4. Concepts of threat, vulnerability, and risk

The security categorical apparatus includes terms as: risk, threat, danger, security state, aggression, conflict, national interests, vulnerability, security goals, security system, security environment etc. All these notions are specific to national, regional or international security and during their coexistence the prognoses don't reveal soon an elimination of anyone.

A major role in order to ensure the security state of any country has the knowledge of dysfunctions, vulnerabilities, risk factors, threats and danger state addressing to that and is realized by security information seeking and finding, then transmission to legitimate factors that will take the adequate decisions for prevention and counter. If we accept that, than any action is subject of varied threats and in case these aren't counter with adequate measures and actions than we may accept the idea that these threats can be materialized in unwanted incidents and events, some of them with major consequences on activities process and finally on security field.

Generally, threat means a potential danger which is evident in relation with nature of protected process, criminality which can occur, errors and technological mistakes, informational or human, and competitors' interests.

Beginning with the general acceptation – threat is an "intention to hurt somebody in scope to intimidate him or to obtain something"[23] – the politico-military definition needs some clarifications because the manifestation of any intention to affect the states (security systems) rights or fundamental values is considered a security threat. The threat as an evaluation indicator of imminent danger or prejudice to security might be materialized thru aptitudes, gestures, facts or actions which can create unbalanced and instability states and generate danger states to fundamental values address with impact on national security matter. Vulnerability represents a domain high threatened or a catalyst for negligence, disinterest or criminality.

The vulnerabilities are defined as states of things, processes or phenomena of the internal life which diminish the capacity to react to existent or potential risks or favor its appearance and development with consequences in national security realization plan[24]. They can be the consequence of a subjective elements which reveal the incapacity to adopt a comportment resistant at risks, pressures and temptations which impose the protection of these persons, unrendering or withdrawing of security notification[25].

Risk is a concept which characterizes the decision comportment in an incertitude situation that might imply danger and unsuccessful. It expresses the possible deterioration of normal state, presence of active or potential factors which may affect the security environment and then develop threat and dangers[26].

Now, the risks to security are preponderant nonmilitary, especially internal, and manifest in economic, financial, social and ecology fields. In specialized literature as risk factors for national security are often mentioned situations, circumstances, elements, internal and external conditions, some doubled by action, which determine or favor the threat materialization to security depending on a determined vulnerability and generate insecurity effects. As a rule, the risk factors are mentioned in national security strategies and national interest informative evaluations[27]. Perpetuation and conjugation of some existent vulnerability on these domains might affect the country security and generate interdependent, diffuse, multidirectional effects which impose an adequate, flexible prevention and action ways[28]. Also, risk means the probability to confront an unexpected situation[29] or to get in a danger, to face a trouble or to endure a possible danger[30].

In present, peace and security are indivisible. The security of world, continents, areas or regions, each country is an internal and international problem, a continuum process where are linked permanent thru an integrator action all past, present and future events, each participating more or less to security strengthen or destabilization. This is the major argument for that Romania is today more present to decision process for limiting the global instability and insecurity grade. In conclusion, security remains the essential problem of human society and its definition is the major subject for official documents of the actual intergovernmental international organizations.

NOTES:

[1] See Zbigniew BRZEZINSKI, **Marea tablă de şah. Supremaţia americană şi imperativele sale geopolitice**, Ed. Univers Enciclopedic, Bucureşti, 1999.

[2] The Warsaw Treaty has been founded on May, 14, 1955, as a reply to NATO. It comprised former socialist states (Albania, Bulgaria, Czechoslovakia, the Democratic Republic of Germany, Poland, Romania, Hungary and U.S.S.R.).

[3] Due to the forces unbalance, by the disappearance of the Warsaw Treaty Military Block, the societate confronted with "uncertainties and obscure points", especially when talking of stability and security. For more details, see PhD. Ioan COŞCODARU, PhD. Visarion NEAGOE, **Un vis în devenire EUROPA UNITĂ**, Ed.Axioma Edit SRL, Bucureşti, 2002.

[4] Z. BRZEZINSKI, **op. cit.,** pp.215-218.

[5] For more details see Lecturer PhD. V., PAUL and PhD. I., COŞCODARU, **Centrele de putere ale lumii**, Ed. Ştiinţelor sociale şi politice, 2003, pp. 13-30.

[6] According to Z. Brzezinski, France intends to have a central political role in a unifying Europe and meantime it perceives itself as a nucleus of Mediterranean-North African states sharing common values. When it comes to Germany, it may be more aware of its special status, as "the most important European state – of its role as an economical locomotive of the area and a future leader of EU". For more, see Z. BRZEZINSKI, **op. cit.,** p. 34 and next.

[7] PhD. Francisc TOBĂ, **Decizia Politică şi securitatea naţiunii**, Ed. Licorna, 2003, pp. 23-24.

[8] For more, see Chapter 1, Politica de securitate a României, în **Carta Albă a Securităţii şi Apărării Naţionale**, elaborată de Guvernul României, Bucureşti, 2004, pp.1-10.

[9] Gl.bg. Prof. PhD. C.G. BALABAN, **Strategia securităţii naţionale este elaborată definitiv?**, Editura Academiei de Înalte Studii Militare, Bucureşti, 2002, p. 72 and next.

[10] PhD. Eng. G.ILIE, Eng. Tiberiu URDĂREANU, **Securitatea deplină**, Ed. UTI, Bucureşti, 2001, p. 15.

[11] Richard ULLMAN, "Redefining Security", în *International Security 8:1* (1983), p.153.

[12] **International Military and Defence Encyclopaedia**, ed. TN Dupuy, pp. 2577-2578.

[13] **Dictionary of American Government and Politics,** Dorsey Printing House, 1988.

[14] The National Defence University is based on the structure of the Military Studies Academy and works under this title starting with November, 1st, 2003 (Romania's Government Decision no. 1027/28.08.2003).

[15] Gl.bg. Prof. PhD. Constantin ONIŞOR, Military Studies Academy.

[16] Gl.bg. Prof. PhD. C.G.BALABAN, op. cit., p.17.

[17] Col. Prof. Mihail VASILE-OZUNU, Securitatea - Concept multinaţional, Revista Fundaţiei Colegiului Naţional de Apărare, Anul VIII 2002, Nr. 2, Bucureşti, România, pp.39-40.

[18] The National Defence College Foundation Magazine, Year VIII, No. 2, Bucureşti, România, p.39.

[19] See Chapter 1 *Politica de securitate a României,* în **Carta Albă a Securităţii şi Apărării**, Guvernul României, Bucureşti, 2004.

[20] PhD. Francisc TOBĂ, **op. cit.,** pp. 22-40.

[21] Aurel BALOI, *Analiza securităţii internaţionale: delimitare conceptuală*, în Revista *Studii de Securitate,* Nr. 1 (2)/2004, http://www.studiidesecuritate.ro/indicatori securitat.html

[22] PALME, Olof et al., **Common Security: a Blueprint for Survival**, New York, Simon and Schuster, 1982.

[23] Academia Română. Institutul de Lingvistică "Iorgu Iordan", **Mic dicţionar academic**, A-C, Editura Univers Enciclopedic, Bucureşti, 2001, p.67; Academia Română, **Dicţionar explicativ al limbii române**, ed. II, Editura Univers Enciclopedic, Bucureşti, 1998, p. 33.

[24] **Strategia de securitate naţională a României**, Bucureşti, 2001, p. 18, **Doctrina naţională a informaţiilor pentru securitate**, C.S.A.T., Bucureşti, 2004, p. 15.

[25] **Doctrina naţională a informaţiilor pentru securitate**, p. 15 şi urm.

[26] **Curs de doctrine politico-militare**, Partea a IV-a, Politici şi strategii de securitate, Ed. Academiei de Înalte Studii Militare, Bucureşti, 2003, p.78.

[27] **Doctrina naţională a informaţiilor pentru securitate** adoptată în şedinţa Consiliului Suprem de Apărare a Ţării din 23 iunie 2004.

[28] **Strategia de Securitate Naţională a României**, Bucureşti, 2001, p.12, **Doctrina naţională a informaţiilor pentru securitate**, C.S.A.T., Bucureşti, 2004, p. 15.

[29] PhD. Eng. Gh. ILIE, Eng.Tiberiu URDĂREANU, **op. cit.,** pp. 69-84.

[30] **DEX - univers enciclopedic**, ediţia a II-a, Bucureşti, 1988

GRAND MOYEN ORIENT – ENTITE OU ZONE DE FAILLE?

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En dépendance de beaucoup déterminations, parmi lesquelles les intérêts des grandes puissance et, pourquoi pas, leurs responsabilités ne manque jamais, on a utilisé et utilise toujours les notions Orient Lointain ou Extrême Orients, Proche Orient et Moyen Orient. On ne sait pas si un tel partage était justifié autrefois, se justifie en ce moment ou se justifiera une foi autrement que par une perspective géopolitique. Mai on sait quand même que, aujourd'hui aussi, en ce qui concerne cet espace, ou ces espaces (si on les considère comme des entités), se centrent et se concentrent une significative partie de grands problèmes de ce monde. Pour quoi? Le monde de l'Ouest, du Sud et du Nord Qu'entende-il de ce brave Orient? Le soleil de l'énergie et de vitalité n'y s'élève pas toujours? Très difficile a répondre. Et, surtout, très difficile a juger, si on peut se débarrasser de pré jugements, et de comprendre, si on voulait vraiment comprendre.

1 Donc, l'espace dont nous parlons se retrouve de nouveau au centre du monde. Les anciens chinois disaient qu'ils et seulement ils sont ceux qui vivent vraiment dans le centre du monde. Bien sur, comme importance, temps historique, valeur et l'espace génétique. Une partie du monde islamique – celle qui vive, en grande majorité, dans cet espace de l'Orient Moyen Elargi –, même en totalité, a peur que le monde au delà de cet espace, c'est-à-dire le monde non-islamique, a un dent contre lui. Quelque chose très grave, qui brise une rupture significative, une vraie faille stratégique de laquelle on ne peut pas sortie que par sacrifice et qu'on ne peut pas le dépasse autrement que par la souffrance. Une partie d'un autre monde – généralement, non-islamique ou non-arabe – croit, depuis très longtemps, que le mal de la terre vient (ou prend sa source) de quelques endroits de cet espace et un tel mal doit être dissuadé, frappé et, au moins, gestioné. Comment ? Jusqu'au quel point ? Pour quoi ? Voila des questions qui ont des centaines et milles de réponses significatives (exprimés ou non), mais avec quelques signes dubitatives : C'est possible quand même ?

Depuis quelque temps, on essai reformuler – dans une vision géopolitique et même géostratégique – le nom de cet nouveau foyer perturbateur[1], plus synthétique et, probablement, plus réaliste : Le Grand Moyen Orient, ou, d'une manière plus dynamique, L'Orient Moyen Elargi. Le concept Grand Moyen Orient (Great Middle Orient), préfère par les américains, a, nous le croyons, une couverture dans la surface immense que cet espace occupe et que cette surface doit, selon de quelques stratégies de sécurité internationale et d'un concept de mondialisation, être stabilisée et démocratisée. Le concept Orient Moyen Elargi, préfère par les européens, pourrait être définie sur un extension de cet Orient (Lointain, Moyen, Proche), qui se manifeste le moins sur le deux plans : le plan spatial et le plan localisé dans l'influence ou dans les pressions qu'on exerce sur l'environnement de voisinage de proximité ou de régions plus lointaine (par migrations, infiltrations dans le régions-clefs et dans les centres vitaux, par les menaces et provocations asymétriques et même par terrorisme).

En ce qui concerne ces concepts, les opinions, les attitudes et les justifications couvrent tout le spectre, de l'acceptation et appui ferme à l'indifférence et même a négation véhémente (le cas de l'Irak). D'une certaine manière, y compris les pays arabes confirment (même ci ne l'affirment explicit) un telle réalité. Ligue des pays arabes (22 Etats[2]) représente tout à fait un expression de l'unité arabe, ci elle existe vraiment, et dans les donnes réales. OPEC aussi.

Quelles sauraient les „frontières" de ce Grand Moyen Orient ? Apres les intérêts et les probabilités plus ou moins conditionnelles, un tel espace serait étendu entre la Mer Rouge et l'Inde, l'Océan Indien, Mer Méditerrané, Mer Noire, Mer Caspienne et Asie Centrale. Turquie, Egypte et même Somalie, Maroc et Algérie devraient faire partie de cet espace, mais ces pays pourraient considérés comme des voisins du foyer arabo-musulman, en considérant leur modernisation et, surtout, leurs intérêts et attitudes. Les Ouïgoures de province chinoise Xinjiang, comme les Musulmans de pays d'Asie Centrale et de l'Inde, en considèrent qu'ils font parti aussi de Grand Moyen Orient.

Quelles sont les caractéristiques de ce Grand Moyen Orient ? Rassemblent, non pas absolument dans une certaine ordre, ce qu'on dit et ce qu'on ne dit pas de cet espace, on pourrait identifier, parmi les autres, les caractéristiques suivantes:

- islamisme;
- sentiment religieux très forte[3];
- conservatisme;
- traditionalisme;
- manque de flexibilité, même rigiditism;
- extrémisme ou prédisposition a l'extrémisme;
- manque d'unité;
- explosion démographique;
- attitude migratoire;
- sentiment de frustration;
- état de agitation permanente, combiné avec anxiété et manque de croyance en monde occidentale;
- actions et attitudes contradictoires, même antinomiques;
- ressources intellectuelles (d'intelligence) très riches;
- hiérarchie sociale très forte;
- monarchies despotiques;
- soumission aveugle.

Au delà de ces caractéristiques (les unes, discutables) les pays du monde arabe et musulmane, en dépit de leur position sur l'un de ces plus forte corridors de ressources énergétiques (hydrocarbures) de la planète, sont pauvres, manqués de hautes technologies et de plusieurs des avantages de la civilisations technologique. C'est vrai, les régions désertiques et, en général, austères ou ils vivent, la manière traditionnelle de vivre, y présente de milles d'ans, les régimes politiques autoritaires – vieux comme le monde – sont aussi des freines a travers la route de développement de ce monde atypique et, pour les unes, bizarre (dans le sens et sur les coordonnes des valeurs désires par les occidentales).

2 Moyen Orient a représenté depuis toujours un espace généralement limité (bourdonné), surveillé, évalué, sur lequel on a concentré l'attention de presque toutes les grandes puissances du monde. Les causes pour lesquelles on a frappé toujours l'Orient Moyen tiennent, d'une coté, de ses particularités et, d'autre coté, d'une énergie réactive des peuples de cette région très forte et toujours renforçatrice.

Le Moyen Orient ne s'aligne pas à la loi du progrès, comme le reste du monde et notamment comme les occidentales veuillent et comprennent ce processus. Apparemment, L'Orient Moyen veut et désire rester comme l'a crée Allah, en se contentent avec l'élevage du mutons, l'affrontement du désert et d'autres hostilités d'une nature contradictoire, c'est-à-dire non-généreuse en ambiant, mais, d'une place a l'autre, riche et généreuse en hydrocarbures et en acceptant de les extraire et de les vendre la ou n'en sont pas. C'est en apparence. La réalité, c'est une autre chose. Le Moyen Orient (une partie de ses communautés) n'est pas manqué et ne veut pas être manqué des effets matériaux de la civilisation moderne. Les réticences tiennent, généralement, de comportement social, de coutumes, perceptions et attitudes. Dans ce monde existe, depuis des centaines d'années, les règles que tout le monde les respecte (personne n'accepte de ne le respecter). Et quand même, en ce temps, une immense multitude de jeunes suivent des études dans l'Occident, les unes y restent, les autres reviennent dans les villes et dans les entreprises de leurs pays et appliquent ce qu'ils ont appris.

Dans les pays de Moyen Orient, il y a des villes modernes, des universités, des institutes de recherche, des entreprises et firmes sophistiquées – les unes nationales, les autre internationales – et une partie de ces pays a évadé de pluton, en s'alignant a l'effort de la civilisation occidentale de consolider l'unité des pays démocratiques. C'est le cas du Turquie, du Kuweit, de l'Egypte, mais aussi des autres pays de région. Ligue Arabe insiste, au fond, sur la coopération entre les 22 pays dans les domaines économique, politique, de sécurité etc. et les pays de l'OPEC ont aussi un roll très important sur le marché du pétrole.

Comme nous l'avons déjà dit, on considère, de règle, le Moyen Orient, comme un foyer perturbateur, générateur d'asymétrie et du terrorisme. Cette région pose un problème pour tout le monde, et tout le monde s'en efforce de s'éloigner de ce problème, comme on s'éloigne d'une place mal famé ou d'un endroit dont on a peur. Les endroits comme celui-ci existe partout dans le monde, et tout le monde doit se sentir responsable d'une telle existence. Ils deviennent, avec l'écroulement du temps, comme un réalité donnée, comme un réalité fatale, même comme de nouveaux défis. A New York, par exemple, on te dit de ne pas aller en Harlem ou en Bronx, et à San Francisco, dans cette perle du Pacifique, si on dépasse la ligne d'une certaine rue, on risque de se confronter avec des situation désagréables. Ces endroits, comme beaucoup d'autres, sont aussi un effet de la plus démocratique civilisation – celle nord-américaine – et on peut le voir partout. On ne le cache. Ainsi, Les Etats Unies se présentent comme une vitrine où on peut voir les miracles de la civilisation technologique et les ordures de la même civilisation aussi, parce que la sincérité est une caractéristique principale de ce mode de vie américaine. Dans tout le monde il y a tels endroits, et tout le monde, peut être sauf les américaines (mais d'un temps on n'en est pas très sur que cette affirmation reste entièrement valable) s'efforce de les habillement cacher.

Le Moyen Orient n'est pas le „Harlem" du monde, mais seulement un région frappé et déchirée, agitée, bouleversée tant des orages du monde, surgies de grandes batailles des intérêts, que des ses propres orages et rivières souterraines.

Le Moyen Orient a été, tour par tour, occupé, plus ou moins, par les françaises, par les britanniques, généralement par les occidentaux, chacun en imposant, en ce qui concerne cet espace, les concepts dont on avait besoin et en les considérant les meilleurs. Il a été, en même mesure, terrorisé et humilié par des dictatures, des extrémismes religieux ou d'autre nature. Les arabes se disent des frères, et leur solidarité s'exprime dans une grande et très diverse palette de formes, les unes d'entre eux très difficile à comprendre et à accepter par le reste du monde.

Pour mettre un terme aux siècles de confrontations avec la civilisation occidentale, Turquie de l'Atatürk s'a décidé de partager les valeurs de cette civilisation, surtout dans les milieux des intellectuels et de militaires, bien que, dans l'intérieur de l'Anatolie, l'islam se sente, cent pur cent, chez lui. En même temps, la force et les valeurs impériales d'autrefois (cet empire n'a pas eu seulement un roll négatif dans l'histoire) se ressentent dans la dignité et le comportement ferme de l'institution militaire (qui, paradoxalement, semble être, la plus démocratique de ce pays des contrastes, mais la plus ferme aussi) et des certaines personnalités.

Kuweit a l'auréole d'un richard ou, une tasse de valets de ferme travaille jour et nuit, parce que le pétrole, le moins dans ce pays, a fait des miracles.

L'Egypte a occidentalisé sa capitale, mais la Ville Morte, les pyramides et la Valée de Pharaons nous rappellent que sur cette terre se trouve les unes de plus impressionnantes sources de la civilisation de la planète.

L'Irak se trouve dans une situation dramatique. Apres une dictature sanglante, suive une démocratie ensanglante. Mais, Bagdad, qui a une surface quatre fois plus grand que Paris, est et reste l'une de plus vieille et de plus belles villes du monde. Y se trouvent aussi les ruines du Babylone, les champs de Mésopotamie, avec une histoire impressionnante et les cités akkadiennes, cachées parmi des sables brûlantes et des valeurs éternelles. Que reste de tout ça ?

Questions nombreuses, peu de réponses. Les hommes et leurs communautés se rapportent aux espaces en considérant notamment les réalités des intérêts et moins les valeurs des espaces respectives. Depuis des centaines d'années, on opère avec des intérêts et virtualités, en fonction de marchés, de technologies et de puissances. Les marchés et les ressources donnent la force économique, la technologie multiplie cette force et la puissance fait la politique. Ni cet espace n'est pas exempté de jeu subtil et flexible de ce qui entoure tous les quatre piliers.

Ce que mérite d'être considérer c'est le fait que le monde arabe – tel comme il est – représente une réalité qui dispose des systèmes de valeurs, des habitudes et traditions, de sources riches et, surtout, des projets vers l'avenir. Croire que une telle civilisation et un tel monde – avec toutes ses controverses et ses problèmes – est génératrice de terrorisme et responsable de terrorisme du monde entier représenterait une grande offense menée à cette civilisation. A vrai dire, le mode arabe c'est il même une victime (direct ou indirect) du terrorisme.

Il serais possible que un tel concept, comme celui de Grand Moyen Orient, menait plus d'unité au plan politique et stratégique non seulement pour le monde arabe et pour le monde islamique, mais aussi dans les rapports de ces mondes avec la civilisation occidentale, avec les voisines et, en général, avec la population de la planète qui, en ce moment, se sent vulnérable et menacée par le danger élargi de ce nouveau foyer perturbateur.

NOTES:

[1] L'antique et permanent foyer perturbateur, d'ou, autrefois, les populations nomades guerrières ont surgi, dans les selles des chevaux, vers L'Europe et l'Asie, produisant le plus grand conflit connu dans le monde, mais, aujourd'hui, cette expansion (agressive aussi, mais sur un autre plan) sur touts horizons, mais surtout vers le monde occidentale, sur l'ancienne route de la soi, continue bien merci par migration illégale, trafique de drogues, de personnes, d'armements et d'instabilité, c'était situé (aujourd'hui aussi) approximatif entre le Nord de la Mer Caspienne et Manchourie.

[2] Arabie Saoudite, Bahreïn, Egypte, Emirats Arabes Unifies, Irak, Jordanie, Kuweit, Liban, Syrie, Yémen sont les 11 Etats fondateurs, auxquelles on ajoute, entre temps, et d'autres pays : Algérie (1962), Djibouti (1977), Libye (1953), Maroc (1958), Mauritanie (1973), Oman (1971), Qatar (1971), Somalie (1974), Tunisie (1958), Soudan (1956) şi Organisation de Libération de Palestine (1976).

[3] Presque toutes communautés de l'Orient Moyen (élargi ou non) sont, en même temps, traditionalistes et religieuses ; souvent, on ne fait pas distinction entre les facettes politiques, économiques et religieuses, ce que mène a des nombreux problèmes incompréhensibles pour le monde non-arabe.

GEOPOLITICAL INFLUENCES UPON THE CONTEMPORARY FINANCIAL PHENOMENON

Colonel Professor Vasile MARIN, PhD

1. General considerations

One of the most important problems of the contemporary world is that of money existence, evolution and circulation. As a historical phenomenon, money appeared in the ancient ages, and its appearance was determined by the consistent economic life of the human society.

The form, size and material out of which money was made were conditioned by the culture and civilization level as well as the historical stage of a certain society.

Obviously, the problematic itself is less important. What has always been important is the fact that money significantly enhanced economic exchanges and, implicitly, the humankind's social-economic development. A new system of human and group relationships have appeared, namely trade relationships. These relationships have encouraged progress, homogenized social groups, and leveled the differences between development stages. Clearly, their existence and development have been tightly connected to the state of peacefulness, and therefore peace has often been imposed violently in order to ensure that trade has benefited from appropriate manifestation conditions. It has been a historical fact that money should be issued in, its specific and traditional form, by the state's supreme political authority.

Any deviation from this historical and legally established norm has been coercively approached. State appearance has resulted in the diversification of money form as each state has a certain form of money expression, that is, currency.

Currency statutory conditions as well as its utilization and protection represent one of the fundaments of the state's existence and sovereign expression. Currency as such has instituted a new field of social activity, namely financial activity. This consists of money production, utilization, convertibility and thesaurus. This field is also linked to the money protection by the state. At the same time, there has been a social labor division that has led to the appearance of a special category of people responsible for these problems.

In time, special relationships between currencies have materialized as well as specific reference space to which they belong. The relationships between currencies have appeared as a consequence of their circulation in some areas and as a result of the power-based relationships between states. Thus, a currency hierarchy has emerged, and people have preferred to use the most powerful currency when dealing with other people. At the same time, each currency has delineated its own physical circulation area, which usually coincided with the boundaries of the state to which it belongs as well as its influence sphere(s). Consequently, in ancient times, the most powerful currency in Europe was the Roman ace. Of course, Greek, Macedonian, and Cartagenese currencies were used, but the Roman currency was the powerful one. It was used not only in the Roman areas, but also beyond its boundaries. Promoting the state's own interests also meant sustaining its own currency in relationship with other currencies. This aspect became more obvious when national states appeared and started to grow. National currency became one of the state's sovereignty "pillars", and so each state became increasingly interested in sustaining its own currency.

Moreover, money's chaotic movement has gradually transformed into an orderly flowing process.

The appearance of the banking system has resulted in new alterations. The existence of national states and the world order that their interaction generated together with international phenomena have led to a re-assessment of the relations between national currencies and their circulation. Furthermore, a currency's value is not given by the material out of which it is made, but by the economic power of the state that sustains it. Thus, powerful states have promoted their own currencies compared to other currencies, which generated actual interest areas such as: dollar area, Deutsche mark area, frank area, pound area, real area or rouble area. Subsequently, new currency areas have appeared such as yen area.

The appearance and development of such areas have constantly changed in time. The most spectacular alteration seems to have occurred in terms of the Deutsche mark. While undergoing economic growth in the late 1800's, Germany, the second industrial power of those times, created a remarkably competitive area for its own currency. Defeated at the end of the First World War, Germany had to reconsider some of its political objectives, and consequently the Deutsche mark significantly lost its power, particularly during the third decade of the 20th century. Germany's economic rebirth during the next decade led to reconsidering its currency in the context of the international monetary hierarchy. As a result, shortly before the Second World War, the German currency became one of the most powerful currencies, particularly in Central and Eastern Europe.

The loss of this war by the Germans led to another depreciation of the German mark. For nearly 30 years did the German currency strive to resume its position.

In full ascension at the end of the XX. century, the German mark entered a total eclipse, giving space to the European currency, the euro. The same happened to the pound and the frank. Initially, the English pound was a currency of huge circulation. Its space spread from Canada to Austria, since London was the capital of the greatest banks and harbored the greatest financial stock market.

After the 2nd World War this space has been going through continuous recession. Nowadays there are two currencies in full ascension, in Asia: the yen and the Yuan. We shall not insist on the first, the Japanese one, but deal with the Chinese Yuan. Economic analysts say that within 20-25 years China will equal the USA regarding industrial production. On a financial plane, this will obviously bring about the ascension of the Chinese currency. The financial field is not an insulated one; it processes and follows information that comes from the political and economical domains. Development and changes in political life, increase and decrease in the rhythm of our economic life has its correspondences and generates consequences on a financial scale. A similar phenomenon went on with the breakup of the USSR or the creation of the European Union. A plan of the structural unity of the European Union, from a social and political point of view, entailed the necessity of a sole, continental currency. The process of its release and especially its circulation at a European level has represented a highly complex process in our age, more so that the euro is desired to be extremely competitive from a financial point of view. It actually represents a unique experience from this point of view.

2. The Euro and its space of reference

At the end of the XXth century Europe is the repository of many meanings. It represents a large market and a stimulating, competitive environment, both able to generate prosperity and technological progress. It also means a new model of society, founded mostly on individual rights that have been the basis of a high degree of social cohesion. At the same time, it presupposes the coming into being of a new superpower that can play an important role on the geopolitical arena of the world. In this context, the planning of the European Union couldn't avoid considering aspects of a financial nature, so much so, that at the very beginning there were debates over a common currency. This was established by the Treaty of Maastricht that pinned down the coordinates of the European Monetary Union, imagined as a genuine "engine" for the continuity of Western European integration and especially for the acceleration of its economic increase.

In this context, Giovani Prodi, President of the European Commission, in his work, "A Vision of Europe" was making the following remark: "The Monetary and Economic Union (UEM), along with the coining of the euro, represents a gesture of trust in Europe and, at the same time, a challenge in the larger context of global economy. It's an unprecedented event in the history of humanity. Giving up the power to release your own currency is, undoubtedly, an important political decision.

As a matter of fact, the state is giving up one of its traditional instruments of sovereignty. In the eve of the XXI[st] century this instrument is even more prominent than military sovereignty itself, symbolized by the "sword"[1].

Consequently, the Maastricht Treaty is a point of reference in the monetary evolution of the European Union. It has been preceded by a whole number of events that have consolidated the agenda that has brought about this treaty. Namely, in 1989, the European Council, at the initiative of the German chancellor, Helmut Kohl and the French president Giscard d'Estaing, decided to create the European Monetary System in order to check the fluctuations of the exchange rates at European currencies. As a common reference point for the rates of exchange an account currency, the E.C.U. (European Currency Unit) was established. Its value was stated in comparison with the dollar. Thus the ratio between E.C.U. and dollar was established, based on a "basketful" of currencies representing 12 European countries of the 15 members of the EU (Finland, Austria and Sweden did not take part in coining the E.C.U., since they entered the Union in 1995 and 1996.). The weight of each currency within the "basket" was the barometer of economic might for that particular country, so much so, that E.C.U. represented a kind of "average" for the power of the 12 European states. In 1991 the countries of the European Union signed the Treaty of Maastricht. This was supplemented and extended through the Treaty of Amsterdam signed in 1997, a treaty that started to take effect at the beginning of 1999. The name of the common European currency, 'Euro', was established at the Madrid reunion in December 1995. The new currency was introduced on 1 January 1999 in 11 states of the 15 members of the EU: Austria, Belgium, Finland, France, Germany, Ireland, Italy, Luxemburg, the Netherlands, Portugal and Spain (after the summit in Brussels, in May, 1998). Great Britain, Sweden, and Denmark refused joining the euro for domestic reasons and Greece didn't achieve the criteria of adhering to the new currency stipulated by the Maastricht Treaty. These criteria take into account the rate of inflation (a high stability of prices), the level of long-term nominal interest rates, evolution of rate exchanges, budgetary deficit and the level of public debts. At the Maastricht Treaty it has also been decided the establishment of the European Monetary Institute that actually represented a preliminary stage in view of setting up of European Central Bank. Starting with January 1[st] 1997, the national banks of the states, which have accepted the introduction of the unique currency, have become dependent on the European Monetary Institute. On January 1[st] 1999 EU Ministers Council, at the proposal of the European Commission set up fixed rate exchange among European currencies and between these ones and EURO. At the same time it took place the transferring of monetary policy responsibilities from the national banks of the EU states to the European Central Bank. It was also established the period of coexistence of the national currencies of the 11 ones with euro, the reevaluation of the terms among them being established on 30[th] of June 2002; on this day the unique currency became fully operational whereas the other currencies stopped being used. Among the advantages of introducing the unique currency, the specialists mention the following as being important: increase of market and prices transparency, production and investments are no longer influenced by the rate exchange evolution; the cost of transactions decreases because it doesn't include expenses related to currency risk; the unique currency leads to the development of commercial and financial relations among the EU members and other partners. Also in the Euro space the purchasing power is high, being exceeded only by the USA; 15% of the value of all goods and services achieved at world level come from this space, 20% from USA and 7.7% from Japan; 15.7% from world exports come from Euro space, while only 12.6% from USA and 7.7% from Japan.

The main argument of the European currency would be that the European Union has become world creditor while the USA has 2000 billion dollars net debts. Euro launching on the currency market said the former counselor of President Clinton for financial policy and director of International Economics Institute, Fred Bergsten, creates the conditions for the coming out of a "bipolar economical order that should replace America hegemony which dates back to the end of the WW II"[2].

The same specialist appreciates that euro's coming out represents "the biggest change in world finance, comparable only to the moment in which dollar surpassed the sterling pound in interwar period"[3].

Romano Prodi appreciates in this respect that: "…euro also represents a challenge to the present world economy". With the unique currency the member countries of the Economic and Monetary Union will be able to face the recurrent turbulences of financial markets. Moreover, the unique currency is the logical crowning of the "unique market" which we have built. It's true only with a unique currency the complete freedom of circulation of all productive factors (goods, persons, services and capitals) can show their effects totally. In one word, it is only by a common currency that we can really have a common market"[4].

As a result, the existence of a real and powerful competitor for the American dollar results in the change of the whole configuration of the world financial environment, and the lack of correlation between the most powerful currencies of the world have global effects. The pessimistic vision connected to the euro coming out was supported by a series of arguments such as: the weight in international commercial transactions, the importance as a reserve currency and as an investment currency. It was also said that euro wouldn't have any chance to be a real alternative to the dollar hegemony because: 48% of international commercial transactions are done in dollars; as a reserve currency, dollar occupies approximately 65% of world currency reserves; as an investment currency, on the European bond market the American currency represents more than 2/3. In fact, the unique European currency has been received coldly and with resistance even by common people. This needed offers of economic incentives, incentives that should defeat skepticism and reticence regarding the creation of the unique European market. Nevertheless, there is evidence that the space of the unique currency has become a reality despite its heterogeneity. At the same time the euro space has started to become a serious competitor for dollar, especially in the European space. The extension of this space proves the fact that the European currency is sufficiently strong to assume new financial responsibilities. Not even the Swedish refusal, following the referendum in September 2003 of accepting euro, can change its rising course on the European market. It can be said that the euro space will completely identify with the European geographical space in about 2010 and probably the European currency offensive will continue to other geopolitical spaces as the European Union will put forward and strengthen its status of global superpower.

3. Aspects of contemporary financial geopolitics

The money world is also a special world, which functions according to specific rules. There is a hierarchy and a strong currency competition among the geopolitics protagonists and in their hierarchy pattern. No one knows, for instance, how the money battle will go on or what the path of exchange rate is going to be related to the most important and the strongest currencies, namely the Dollar and the Euro. Of course, predictions can be made about this but any prognosis is worrying. Among other factors, chance plays an important part. Dollar-Euro relationship will go on in favor of the Euro in the future. Therefore it is obvious that any change in this currency-s situation is a noticeable signal, that something happens in the economy, thus the parity relationship of Euro and Dollar indicates, with no doubt, the advantage of Europe's dynamics compared to the USA. So, the economic analysts say that even after the Golf War of 2003, the USA will maintain itself in a prolonged economic recession. Despite these, the USA productivity still has better results than West Europe, which stands as an extremely important argument in this competition. Productivity is always an advantage for the exchange rate. Concerning this phenomenon, the professional analysts claim that a national currency can go up or down, depending on the movement of the country's interests. This is also true for the USA. The movement in one direction or another causes over-evaluation or under-evaluation of the Dollar. This way, when the Americans concentrate on exportation, they intend to have the Dollar's value go down. In this situation, through artificial measures, they make its value decrease. Things happen the other way around when they stress on importation. After reaching Baghdad, one of the American generals spoke in public and said that the American armed forces had proved that they could enter anywhere they wanted, anytime they wanted and by any means they wanted.

Currency value problem was and is still connected to the great events that the geopolitics state officials had to and still deal with. The same happened to the position of the Dollar in rapport to the evolution of the Gulf War, the Americans estimated the costs of both the military operations and reformation activities of Iraq in the new post-war context. Losing the war or a long time of military operations or a too big number of military and civilian casualties would have brought about a sudden depreciation of the Dollar. The Americans won the war in due time and within the predicted financial limits. The military strategists showed a lot of realism and precision in estimating and planning the operations.

The Gulf War proved once again that, nowadays, there is only one super-power that administrates the great problems, namely the USA. Of course, it cannot be said the same about the money world, even though this appears to be a natural conclusion. There are other rules in the financial world, even if the movement of the money is closely related to geopolitics. Thus, the Dollar is not the only power center in the financial world, a fact that constitutes a real paradox.

Nowadays and probably in the following years as well, four powerful currencies compete: the Dollar, the Euro, the Japanese Yen and the Swiss Franc. The competition of the four currencies is very tight. Moreover, the Pound doesn't accept being put aside and replaced by the Euro, while the Russian Rouble attempts to a new status. Regarding this, the Russian Bank acquired funds of tens of billions of dollars as a reserve and, having this, tries to set the basis of a new condition of the rouble.

The dollar depends on the US power, on their role in administrating the world's problems, but their manifestation on the financial market is limited by the other currencies. The confrontation with the Euro is an example. There is a direct relation between the value of the currency and the country's economic welfare. Any state that acts intelligently operates on these two important poles in order to assure its constant and future progress; this is more than applicable in a transition period. An example is Russia, which takes insistent approaches to strengthen its currency. A strong currency is a suitable "engine" for economical modernization. It is on these elements that all intention of modernization and progress in other domains, including security and defense, are based.

This way, in the following years, Russia might fulfill the three conditions that would support its aspirations of becoming the super-power state again – a financial power, an economic power and a military power. The tight competition in the financial world with more power cores presses on the present geopolitics scene, on which there is only one power acting. Among the consequences of this situation related to geopolitics, two are to be mentioned; they seem more suggestive and in accordance to what happens in the present world:

The first one is related to the accentuation of the globalization process with its effects, namely the creation of a unitary economy of the entire world, with everything involving, the generalization in form and content of the democratic principles in the world, the organization of a single political structure for leading the entire world.

The second one is related to the power spreading at an international level through the regionalization of the world and then the distribution within more power centers, each of them banking on a dynamic performance economy, on a competitive currency and on a strong military. Regarding these aspects, in one of the interviews appeared in *The Military Observer*, one can read about the idea that the present world is undergoing a transition process that will probably last for a while.

The above-mentioned directions will maintain this process up to the moment when the appropriate conditions for firmly choosing one of them comes. It is not a mistake to state that the USA, in their present position of a world leader, makes an option for the first world evolution path, while the great powers following them make an option for the second. In other words, the world is trying to revive in a new form from its own shell. Anyway, we can catch a glimpse of the seeds of this new world, a world that was predicted by the American professor of Economy Francis Fukuyama, former USA State Department Counselor. In 1989, he was talking about the end of history, because idealism will slowly but surely be replaced by pragmatic rationalism, by economical calculation and by technical issues.

The Gulf War of March-April 2003 strongly demonstrated this. F. Fukuyama described the way of the world to creating a unique state. This supposes a new international order but also a new social order. All these imply making up a new pattern of values and giving up the existential pattern of the 20th century, a change that Fukuyama called "The Great Disruption"[5]. It is a stage full of unpredicted events that generates a different world, which will not resemble the one we are living in now. This will be the accomplishment of the action of a few generations because changing the mentality of existential patterns is one of the most difficult ways of transformation.

Of course, this redesign of the world requires a single-pole world, with a hyper power center. In this context the currency plays an important part, it is a real magnetic pole. In an efficient performance economy correlated to a free market, the currency gains power. On the contrary, when the economy is stifled by centralism and planning, the currency gets weak. Therefore, the economy decides on this relationship. A power center cannot be supported with weak currency or economy. This was confirmed by what happened in the Soviet Union. Thus, we can say, and it is confirmed by some specialists, that there is a biunivocal relationship between the currency and the power centers, and the large exchange areas can only be set around powerful currencies of powerful geopolitical state actors.

At the same time we cannot separate the evolution of the world from the constitution of an informational society and from the information technology. It is important to have a technological basis for such a new society. But this requires a lot of money. This leads us to the same old problem.

Building up a new world cannot be achieved without the help of strong currencies and, implicitly, the strong geopolitical actors can create their strategic interest areas only on such currencies.

4. The Romanian Currency in the present geopolitical context

The money problem became critical for small and middle countries, namely for those that have a lower level of economical development.

Things are worse for the states that changed systems throughout a short period of time of about 13 years. Most of them had to accept two simultaneous types of economies, until the one based on private property and free market gained terrain. At the same time, a new legislation system was created based mostly on old mentality principles. All these affected the national currencies negatively. After this process most of them fought hard for recovery and underwent many re-evaluation stages. A part of the European states in this situation succeeded in raising the economic standard and in establishing a certain internal financial stability with the help of a series of financial programs. Moreover, once invited to adhere to the European Union, they prepared strategies for accepting the unique European currency. Romania is also speeding towards achieving this objective. Adhering to the space of such a powerful currency and of such a super-power as the European Union guarantees a more alert economical progress. This will be obvious in the living standards of our people, which are not really enviable. At the same time, being part of NATO also guarantees our stability and security in the geographical area that Romania occupies. For a long time, the Leu advanced in relation to the Rouble and the Dollar. As the Leu-Dollar and the Dollar-Euro exchange rates got nearly the same and particularly after the Leu-Euro rate stood out compared to the other one, a problem was raised, namely re-evaluating the parity of Leu. This is still difficult because the Romanian economy cannot support the re-evaluation. In spite of these, this process is absolutely necessary for our perspective of joining the European Union and for the replacement of the Leu with the Euro. This will probably happen in 2009 or in 2010. At this date our currency will have no chance to be reasonably exchanged unless the re-evaluation is done. Of course, the Euro-Dollar exchange rate has a great effect on the Romanian financial market and not only. So, when the Euro goes up, the Romanian exporters are favored. On the contrary, when it goes down, the importers are favored. This fluctuation manifests aggressively on price stability, especially on the price of fuels. Anywhere a fluctuation of the Euro-Dollar exchange rate appears, the implications are sooner or later felt, and this happens in our country, too. It is both one of the phenomena and a consequence of globalization. Starting with May 3, 2003 the reference currency on the Romanian market is the Euro, so that things are now a little more coherent.

Still, the Euro-Dollar exchange rate issue cannot be evaded for the two currencies have a great impact on the competitiveness in the Romanian economy. The relationships that Romania has with the USA, the NATO membership, in which the USA is the unchallenged leader, leads us to closely watch the evolution of the Dollar assuming all consequences this implies. At t he same time, our adhering to the EU, a problem that requires our integration in this organization's system of values, compels us to make the necessary preparations for adopting the Euro as a national currency. These problems need to be solved in turns, of course, but the accent should be placed on what supports these changes, namely the economy. Only a steady, competitive performance economy assures the power and the offensive of a national currency. In this respect it is to be mentioned that the Romanian economy is not able to make the entire currency amount re-circulate on the market. This requires many times the intervention of the National Bank in order to take over the money excess. In other words, our economy does not manage to make itself dynamic at a speed that would surpass the money amount on the financial market. This needs the interference of the adjustment element. This deficiency is also related to the work efficiency that is still low in our country. With no functional economy that would efficiently support the Leu and assure the adoption of the Euro, we cannot claim acceptance in the new foreseen world.

NOTES:

[1]Romano PRODI, **O viziune asupra Europei**, Editura Polirom, Iaşi, 2001, p.25.

2 BERGSTEN C.F, America and Europe: Clash of the Titans, Foreign Affairs, March/April, 1999, vol 78, nr.2.

3 Ibidem.

4 Romano PRODI, **op. cit.**, p.26.

5 Francis FUKUYAMA, **Marea ruptură. Natura umană şi refacerea ordinii sociale**, Editura Humanitas, Bucureşti, 2002.

TWO CONCEPTS FOR WIDER BLACK SEA REGION: "FRIENDLY VICINITY" AND "PARTNERSHIP FOR SECURITY"

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1. Regionalism and Security

The sense of regionness is non-existent in the Wider Black Sea Region (WBSR), even there is an economic background (which is consistent with the wide perception of economics being the most important feature of the Black Sea regional cooperation).

The Black Sea could hardly be conceived as a region. There is not one sense of regionness to different dimensions of regional cooperation, various Black Sea countries and different regions of the same country.

The regional and sub-regional cooperation are not viewed as foreign policy priorities. However, their goals are seen as complementary to European and Euro-Atlantic integration[1].

The sense of regionness in the WBSR is being very little in evidence[2]. As for the reasons explaining that situation, the heterogeneous built-up of the region, the sense of nationalism, rivalry and competition, Ukraine's regional diversity, and Bulgaria's predominant identification with the Balkans, not the Black Sea, as well as the predominance of the Balkan/Southeastern European identity, as the preferred and "imposed" regional identity by the West.

The major interests in regional cooperation are: economic cooperation and development, regional security and stability, developing energy-related infrastructure projects, fighting organized crime, the settlement of regional conflicts.

The WBSR has emerged as a crossroads of economically relevant and strategically indispensable energy supply corridors the Caspian Sea and the Caucasus with Western Europe. The Black Sea stands at the center of oil and gas related controversies and competing projects that have a common aim: finding and safely exploiting alternative sources to insecure energy providing regions.

The goals of regional cooperation and European and Euro-Atlantic integration are complementary. The two goals are not only complementary, but mutually reinforcing, too. The Euro-Atlantic and European integration of some Black Sea countries will give a boost to the process of regional cooperation.

The aspects of regional cooperation seem to be the fighting against asymmetrical/non-conventional threats, and the access to Caspian oil and gas, the presence of Russian Black Sea Fleet on the Ukrainian territory[3].

Participation in energy transportation projects and combating organized crime are both major interests of the countries involved in regional cooperation and crucial factors conducive to it.

The second aspect is the cooperation in the area of security, the political-oriented cooperation, underlining the regional political activism of the new political elite throughout the region[4].

Although it has become operational only in 2001, BlackSeaFor is perceived as having a (potential) major security impact in the region.

The main factors which could obstructing regional security cooperation are: the economic backwardness/lack of financial resources (corruption and organized crime), the historical legacy (the cultural and religious differences and the instability triggered by the conflicts and ethnic tensions in the region), the lack of economic cohesion of the region, and the different political goals and strategic orientations of the countries of the region (Russia's ambitions to dominate and its involvement in the settlement of interethnic conflicts in the region[5], the weakness of organizational support for multilateral cooperation, and the conflicting (nondescript) interests of the member-states).

The relationship between regionalism and security in the WBSR must evaluate the conflict mitigating and security enhancement potential of the Black Sea regional cooperation, its main achievements and shortcomings, and to suggest possible areas of action for its future development in order to strengthen regional security and stability in the area.

There is the tendency to consider different regional initiatives individually and on their own merit, even if they are just parts of a bigger framework. The tendency lays down good premises for an objective evaluation of various regional initiatives in the area. The most obvious case in point is BSEC, where the different institutional achievements of it are dealt with separately, not as parts of the overall framework.

BSEC should continue to promote the open regionalism formula, in order not to transform itself into a trade block with preferential treatment.

BSEC should become a tool not an alternative for the promotion of EU norms and policies in the area. Based on that, the EU should more actively support the BSEC projects. Thus, a balanced and mutually beneficial cooperation could and should evolve between BSEC and the EU.

2. Security and democratic processes

The security organizations are naturally interested in the WBSR due to its great economic and resource potential and strategic importance for guaranteeing stability and security in the entire Eurasian environment.

NATO's south flank coming into Black Sea region (BSR) is more and more noticeable. Romania and Bulgaria's membership[6], potential membership of Ukraine and Georgia in NATO along with the presence of an old NATO member – Turkey – makes the Black Sea almost a complete area of EA responsibility[7].

NATO is interested in solving regional problems as the Alliance's new strategy foresees a wide field of activities beyond its traditional competence, especially in the East. With this in mind, NATO pursues the policy of supporting democratic processes in WBSR that gives the latter more bases to believe in success of reforms.

One should consider that NATO enlargement is in many ways, unlike the EU expansion, a political process. Changed international situation had stimulated NATO's transformation from a defense organization to one that unites countries engaged in building up and support of new global security system.

The EU and NATO's eastward enlargement brings the European world to a position to more clearly articulate foreign and security policy in its direct neighborhood – WBSR and Middle East region. Alternatively, this area with its rich energy resources and great transit potential is a clash point of global geopolitical efforts, every one of which tends to reach their own economic and political interests there[8].

Europe is suspiciously looking at appearance of new security and stability challenges originated from this area – international terrorism, which has been manifested in Turkey and is tending to pour out further westward; uncontrolled migration from the East that puts a question of strengthening the EU borders[9]; local conflicts[10] tending to escalate (Georgia, Nagorno Karabakh, Trans-Dniesteria [11], Palestine, Kurdistan etc.). This is augmented by a knot of problems around Iraqi stabilization as well as less-expected though potential tensions in Ukrainian-Russian relations, e.g. Tuzla crisis. Europe is concerned with socio-economic weakness and insufficient level of democratic development of the adjacent countries that provokes conflict potential and political destabilization in wider scales[12] .

Georgian events have defined a rather serious role of the US in support of democratic processes in the region. However, there are grounds to believe that US national interests even they prevail the Bush Administration's proclaimed political course to support democracy.

9/11 events and their consequences, particularly in the situation around Afghanistan and Iraq, have fundamentally changed regional geopolitical situation. As a result of that, the US has positioned itself as a principal and, in many ways, dominating regional player. US are a player who had proclaimed the region a sphere of its vital interests, and is eager to change traditional balance of powers in the region substantionally. The US views WBSR as an exceptionally important region, not only in view of strategic oil, gas, etc. deposits but also as a bridgehead for further advancement towards promising Asian markets.

The US has certain regional advantages compared to the RF, which is conditioned by a greater degree of their economic influence on political situation in the South Caucasus countries, which is dominated by economic factors. Very important is strengthening of the US military presence in the region ranging from Afghanistan and Persian Gulf to Uzbekistan and Georgia. US military presence can become an essential factor of support for regional stability, non-proliferation, and does meet the interests of those countries of WBSR, which do not have their great-power or hegemonic ambitions. Undoubtedly though is the fact that one of the US long-term aims is a large-scale and systematic ousting of the RF from the region, diminishing its political, economic and military impact.

3. Two concepts: "Partnership for Security" and "Friendly vicinity"

Enhanced security cooperation would therefore meet the need to shape regional security dynamics within redefined conceptual and practical boundaries that take into account the WBSR's complexity and its foreseeable evolution in the context of a relentless strive for natural resources.

In view of the possible new dividing lines triggered by NATO and EU enlargement processes, the joint interest of the WBSR and the Euro-Atlantic community at large in securing stability and security in the WBSR, the imperative of deepening economic ties and implementing critical transport projects between the countries of the region, and the proliferation of transnational security threats, the multilateral regional cooperation in the WBSR should be ascribed a greater role within the new Euro-Atlantic security architecture in the making.

The security enhancement potential of BlackSeaFor, as well as the fact that as for now, the joint task naval force could be used only in UN-mandated and OSCE-led operations, NATO and EU should take into consideration the possible future use of BlackSeaFor in search and rescue, mine clearing, humanitarian assistance and environmental protection operations under their aegis.

The current tension between NATO and EU integration and regional cooperation in the WBSR should be overcome. To that effect, NATO and EU should make clearer to the WBSR countries that a good record of cooperation at the regional level increases their chances for integration.

New strategic considerations in a changing security paradigm make the region at least as important as important as Central Europe during the Cold War but from a different perspective. WBSR security cooperation would answer the need to multiply opportunities for regional development, with an emphasis on giving all participants a stake in the stability obtained. It might be an (unexpected) opportunity for NATO, Russia and presumably EU to pool efforts and resources and work together to help WBSR regional stabilization as opposed to "controlled" instability[13].

A principally important feature of WBSR is that the interests and national priorities generally do not contradict each other. Namely these countries are strongly interested in maintaining regional stability and security, stable development[14], secure functioning of transport corridors - independently from geopolitical games of "big" actors.

There are no regional initiatives with a significant security impact in the area.

The concept of "**Partnership for Security**" for the WBSR as a foreign policy concept of building new bridges towards countries of region, part of strategy of both NATO and EU, the concept contributes to the ongoing efforts of exploring creative ways of dissipating potential new divisive lines.

The major regional initiatives on the security environment of the area: BSEC (organization as having the biggest impact), BlackSeaFor, GUUAM (Georgia-Uzbekistan-Ukraine-Armenia-Moldova), SECI, the NATO/PfP cooperation, and SEEBrig (South East European Brigade), the trilateral cooperation between Bulgaria, Romania and Greece, and Bulgaria, Romania and Turkey.

In addition, the concept of "Partnership for Security" could advance the awareness of the positive impact WBSR cooperation has in the area of energy security, especially in view of the prevailing importance of the energy transit corridor.

The concept "Partnership for Security" includes the need of the countries lying in the Black Sea region to take a common approach to deterring terrorism, drugs and small and light weapons (SALW) smuggling, as well as illegal migration and trafficking of human beings. Also, this concept is addressing to devising and deploying effective tools in deterring transnational security threats.

The concept of "**Friendly vicinity**" should include those programs and projects targeted towards accelerating the riparian states' integration into European and Euro-Atlantic structures and determining the areas for consultation, decision and action in order to efficiently prevent and counter the "new" security risks and threats.

Purposes of the concept: to debate and disseminate the sense of regionness for the WBSR, the descriptive and normative aspects of regional and sub-regional cooperation in the area, the main factors favoring and obstructing Black Sea cooperation, the regional initiatives with the most significant security impact, the relationship between the regional cooperation and the European and Euro-Atlantic processes, the national interests in participating in the Black Sea regional cooperation.

Diplomacy dilemma:

Negotiations on security in the Black Sea region would aim at deciding:

• What security issues should be addressed once the cooperation process starts (the agenda) and what order of priority should be adopted (what comes first)?

• What framework is best for the process (autonomous or linked to other institutions, regionally owned or attached to initiatives launched by other organizations, permanent and (heavily) institutionalized or ad-hoc/on-call with no legally or politically binding documents?

• Which level is appropriate for the process (mid-level or high-level or both)?

• How the political and security dialogue should be shaped (on a regular basis or whenever needed, with a chairmanship having the caretaker role between and during meetings or not etc.)?

- It could be a common understanding of common security threats as a broader dialogue on bilateral or sub-regional security controversies and potential conflicts in WBSR;

- It is also, a semi-permanent (autonomous) consultative mechanism with a political and security agenda that could propose common actions against common security challenges and provide political guidance for their implementation;

- Increased academic interdependence that would allow for a Black Sea Network of security experts to emerge and further tackle conceptual synergies in addressing common security problems in WBSR.

Public policy:

• creation of civic structures under the WBSR parliaments;

• elaboration of alternative projects and programs in the sphere of civic actions;

• large-scale propaganda of the ideas and principles of civic actions aimed at formation in the mass perception of the sense of regionness, as a cornerstone of democratic transformations in WBSR countries;

• creation of the network of represented organizations and national institutions, coordination of their activities and exchange of information;

• broad consultations with NATO, EU, OSCE, governmental officials of Euro-Atlantic nations in order to integrate different civic initiatives in WBSR.

Civic actions:

• Introduction of regular monitoring of the progress and effectiveness of perceptions of regional security on national and regional levels;

Elaboration and popularization of regional cooperation and security strategies for the future, wide public discussion and expert evaluation (including external expertise) of these strategies, its dissemination and popularization through mass media, conferences, seminars, radio- and TV-debates etc.

• The civil control in all major spheres of social life, including security sector;

Analysis and elaboration of optimal forms and models of regional non-governmental co-operation in the spheres of the sense of regionness for democratic transformations, regional security and security sector reforms, formation of conditions for effective approaches to create civic society structures in WBSR.

• Establishing international periodical "Partnership for Security for WBSR"to regularly cover the problems, progress and achievements in security matter for this region.

Civic actions system over the state's activities, in particular, over the decision-making process in the sphere of foreign and internal policy, which already exists in democratic countries with the purpose of protecting the state and society from possible mistakes and voluntarism of the regime and some influential political groups.

• Consolidation of the existing as well as methodological support of new non-governmental organizations (NGOs), centers and national think tanks dealing with security issues.

• Purposeful formation within the public opinion of the ideas of necessity, advisability of establishing objective of Partnership for Security over the policy in national security sphere.

Civic actions can greatly promote implementation of Euro-Atlantic democratic values and to increase the opportunities for citizen to influence the authorities and their decisions.

• Creation of analytical think tanks in the WBSR to form stable notions on the need and real ways of the sense of regionness over security sphere, foreign and domestic policy, stimulation of further development of civic societies in the WBSR.

Methodological and expert support for the network of non-governmental civic actions centers; stimulation of its co-operation, exchange of information, and consolidation of public opinion.

• Organization of regular monitoring of the development progresses of the civilian actions networks as well as proper perception of regional security problems on national and regional levels, systematic analysis of public opinion in these spheres.

• Wide distribution of the monitoring results through regional and national mass media, consolidation of public support to implement civilian actions mechanisms over political decisions in security sector;

• Holding regular conferences, seminars and trainings on civic actions in the WBSR.

NOTES:

[1] COPPIETERS, B., **Federalism and Conflict in the Caucasus** (London: Royal Institute of International Affairs, 2001).

[2] Frank SCHIMMELFENNIG, "Introduction: The Impact of International Organizations on Central and Eastern European States – Conceptual and Theoretical Issues", in R. LINDEN (ed.), **Norms and Nannies: The Impact of International Organizations on the Central and East European States** (Oxford: Rowman & Littlefield Publishers, INC., 2002), pp. 19-20.

[3] BERG, E. and VAN MEURS, W., "*Borders and Orders in Europe: Limits of Nation- and State-Building in Estonia, Macedonia and Moldova*", Journal of Communist Studies and Transition Politics, Vol. 18, No. 4 (2002), pp. 51-74.

[4] The most negative expression of Russian foreign policy aspirations – said Bruce Jackson - now occurs along the northern rim of the Black Sea region. Since I have already been given an opportunity by the Committee to testify on the subject of Russian neo-imperialism in what the Kremlin regards as Russia's "near abroad," I will not repeat the argument here[2]. Suffice it to say, whether we are intent on protecting new democracies from outside inference and coercion or are simply concerned about the damage Russian policy is doing to its own people, we are forced to focus on the region". Bruce Pitcairn Jackson, "The Future of Democracy in the Black_Sea Region", US Senate, 08 March 2005, p.4.

[5] GRABBE, H., "*Europeanization Goes East: Power and Uncertainty in the EU Accession Process*", in Kevin FEATHERSTONE and Claudio RADAELLI (eds.), **The Politics of Europeanization** (Oxford: Oxford University Press, 2003), pp. 303-337.

6"Whatever we hope to accomplish in the Black Sea region – said Bruce Jackson - will be impossible without the willingness to confront Russia where its conduct goes beyond the acceptable. But we must also communicate frankly to Turkey that we expect our friends and allies to support other democratic states and to work for the peaceful resolution of conflicts in their region. Just because Russian officials become peevish when we point out that the poison used on Yushchenko and the explosives used in the car bombing in Gori, Georgia came from Russia, does not mean we should ignore this conduct. Just because Turkish officials become indignant at the mention of a genocidal campaign conducted by Ottoman authorities against Armenian civilians in the early years of the last century does not mean that coming to terms with history should not be discussed between democratic allies. If we are to succeed where democracy is at risk, we must be clear in what we say and do". Bruce Pitcairn Jackson, "The Future of Democracy in the Black Sea Region", US Senate, 08 March 2005, p.4.

[7] "The prospects for democracy in the Black Sea region – said Bruce Jackson -will be substantially enhanced by the formal integration of Romania and Bulgaria in the European Union. Their accession must remain on track for January 1, 2007 in order to convey to the other states of the region that the possibility of near-term European integration exists and that painful reforms have their reward in security and prosperity. The United States can assist Romania and Bulgaria in achieving their goal by pushing hard for judicial reform and strict standards of official conduct. The Department of Defense should make its long-delayed decision on the repositioning of US European bases to the sites offered by the Romanian Government in the vicinity of Constanza on the Black Sea. Nothing could make more clear that the United States shares the view of the European Union that security and stability in the Black Sea region is essential to Euro-Atlantic security". Bruce Pitcairn Jackson, "The Future of Democracy in the Black Sea Region", US Senate, 08 March 2005, p.4

[8] "Existing institutions – stressed Bruce Jackson - , such as NATO and the OSCE, must be made to perform in service of democracy in the Black Sea littorals. We must revisit the decision to block Active Endeavor from

being extended to the Black Sea and overturn the archaic Montreux Convention, which is sometimes invoked as the justification for barring NATO surveillance from transiting the Bosphorus. Similarly, we must demand that the OSCE fulfill its peacekeeping and monitoring responsibilities throughout the region. Even if we are successful with both NATO and the OSCE, the Black Sea region remains "institution-poor." Regional initiatives, such as the confused GUUAM (Georgia, Ukraine, Uzbekistan, Azerbaijan and Moldova) or the moribund Black Sea Economic Cooperation forum have not filled the gap. As a consequence, we should engage with regional leaders, such as Romanian President Basescu, Georgian President Saakashvili, and Ukrainian President Yushchenko, on the formation of new structures for a Black Sea strategy". Bruce Pitcairn Jackson, "The Future of Democracy in the Black Sea Region", US Senate, 08 March 2005, p.4 .

[9] "Both the Millennium Challenge Account and European Union's Neighborhood Policy – said Bruce Jackson - were designed to assist emerging democracies in their efforts to accelerate economic development and strengthen the capacity of democratic institutions. Both the United States and the European Union are active in the Black Sea region, but formal coordination does not yet exist. The four freedoms of market access, labor mobility, investment and travel offered in Europe's Neighborhood Policy are the obvious complement to what the United States can offer in terms of security support and developmental aid. Closer coordination is essential. We must also challenge our Congressional-funded NGO's, such as the National Endowment of Democracy, IRI and NDI, to address a wider spectrum of democracy-support activities. Elections are not the only things that matter in the Black Sea region. Strengthening civil society, the press and parliamentary oppositions are also key". Bruce Pitcairn Jackson, "The Future of Democracy in the Black Sea Region", US Senate, 08 March 2005, p.4.

[10] HILL, C., "The EU's Capacity for Conflict Prevention", European Foreign Affairs Review Vol. 6, No. 3 (2001).

[11] "Beginning with the conflict in Transdnistria – said Bruce Jackson - , our negotiators need to redouble their efforts to find creative solutions. The Orange Revolution in Ukraine has opened up the possibility of ending the criminal enterprise in Transdnistria and its secessionist conflict with the constitutional government in Chisinau. For negotiations to succeed, however, we should expand the so-called Pentagonal-format to include both the European Union and Romania, as essential and constructive partners. In Nagorno-Karabakh, we must press Azerbaijan and Armenia back to serious negotiations and insist that negotiations begin from the point reached at 2001 meeting in Key West. Finally, we must show far greater resolve and enthusiasm when parties take a meaningful step towards peace. President Misha Saakashvili's enlightened peace plan for South Ossetia has been greeted by a resounding silence in Brussels and Washington, which is dumbfounding. It is lso callous and derelict". Bruce Pitcairn Jackson, "The Future of Democracy in the Black Sea Region", US Senate, 08 March 2005, p.4 .

[12]ASAROV, B., "*The New Architecture. The System of Foreign Politic,"* (Tiraspol: Pro-Europe Movement), http://www.azi.md/investigation?ID=27081, 12 December 2003. CIOBANU, C., *Hearing: Moldova - Are the Russian Troops Really Leaving*? (Commission on Security and Co-operation in Europe), http://www.csce.gov/witness.cfm?briefing_id=1999&testimony_id=205. COJOCARU, G., *About the Mirage of the So-called "common State" Between Transdniestria and Moldova*, http://www.cipdd.org/cipdd/_States%20in%20tranzition/cojcaru.htm. CONSTANTIN, I., *"Peace Consolidation Mission Moldova" – Parties and Interests*, available at www.azi.md/news?ID=25351, 15 August 2003. COPPIETERS, B. and EMERSON, M., *Conflict Resolution for Moldova and Transdniestria Through Federalisation?* (Brussels: CEPS Policy Brief No. 25, August 2002), http://www.ceps.be.

[13] KING, C., **The Moldovans – Romania, Russia and the Politics of Culture** (Stanford, California: Hoover International Press, 2000).

[14] SCHIMMELFENNIG, F., ENGERT S. and KNOBEL, H., "Costs, Commitment, and Compliance. The Impact of EU Democratic Conditionality on European Non-Member States", EUI Working Paper RSC 2002/29 (Florence: EUI, 2002).

SECURITY AND STABILITY IN THE BLACK SEA REGION

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Într-o perioadă relativ scurtă, Marea Neagră a devenit o regiune prioritară pentru marile puteri ale lumii şi pentru principalele structuri internaţionale şi regionale. Extinderea NATO şi a Uniunii Europene au transformat regiunea într-o zonă strategică de interes primordial pentru Occident. Apropierea NATO de ţărmul Mării Negre aduce Alianţa in vecinătatea Orientului Mijlociu şi sporeşte capacitatea acesteia de a contribui la procesul de pace şi de securitate din regiunea Mării Negre. Concomitent, prin „Strategia de securitate europeană" care este pe punctul de a fi desăvârşită, UE a creat mai multe oportunităţi pentru desfăşurarea în zona Mării Negre a unui întreg set de misiuni „cu un nivel de intensitate scăzut" .Astfel, viaţa internaţională a regiunii Mării Negre, monotonă timp de 45 de ani, a devenit dintr-o dată plină de evenimente politice, economice şi sociale complexe. Această importantă schimbare le-a acordat elitelor politice din aceste ţări o binevenită ocazie de a-şi regândi relaţiile reciproce şi de a începe să construiască noi legături multilaterale.

I. Considerations

If we were to look back into the past, we will find that the main focus of the geopolitical map was on the Iron Curtain and the Middle East; then attention shifted to the Balkans and now the Black Sea-Caspian Sea region is emerging as a strategic area of concern for the Euro-Atlantic alliance. The region divides Europe and Asia geographically and has been a bridge between the West and Russia. Historically, the Black Sea region was a zone of commerce and thus an integrating factor under the Greek and Ottoman Empires. It was also the frontline of confrontation between the Russian and Ottoman Empires, and later the Soviet Union and NATO. Since the 1990s the Black Sea region has become a transmission belt both for problems and energy resources. Consequently, this region is increasingly entering the agenda of NATO and the EU.

The Black Sea region[1] represents a north–south boundary between the EU and Middle Eastern states (Israel, Palestine, Iraq, Iran etc.). Today there are a large number of new states in the region that gained independence after the cold war and have an important role to play in defining the region. The EU and North Atlantic Treaty Organization's (NATO) advance to the west coast of the Black Sea will affect both accessing states and those states that are already members in the EU and NATO.

The Black Sea region stands out among the numerous regional and sub-regional structures that exist today. It includes Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, Russia, Turkey, Serbia and Montenegro[2] and Ukraine; not all these states border the Black Sea but all take an active part in the cooperative processes in the region, including the Black Sea Economic Cooperation (BSEC).

There are some *strategically reasons* to link the Black Sea area (in the strict geographical sense, consisting only of the six littoral states[3]) with the wider geographic areas of the Caucasus, the Caspian, and Eastern and South-Eastern Europe when dealing with the political and economic security and stability of the region.

Given the region's geo-strategic position as a natural link between Europe and Asia, and between Central Asia and the Middle East, it constitutes a vital trade link as well as an important area of transit. Black Sea area is recognized within the EU system of Pan-European Transit Corridors as a Pan-European transport area and further extended to cover Central Asia in the frame of Transport Corridor Europe-Caucasus-Asia (TRACECA)[4]. Sadly, but true, the countries from the Black Sea are famous more for their conflict potential than for regional solidarity, and this situation needs to change in the near future, meaning that the countries from the region should take a strong position and effective action regarding the security and stability of the region and of the countries within the area.

From the economic point of view, the Black Sea region detains a strategic position in the maritime transport, having important transport facilities related to the Rhine-Danube-Black Sea channel and Volga-Don channel. It represents a potential market of 350 millions consumers with oil and gas deposits and transit zones for the pipelines from Caucasus and Central Asia to Europe. Besides that, there are also opportunities for tourism, storage and exploitation infrastructures, as well as important facilities for developing profitable business activities in the field of infrastructure and communication, qualitative professional human resources.

The military potential, is represented by some main important aspects such as: national facilities considered to be appropriate for extending NATO's air space management towards the Caucasus area, the Black Sea perceived as a buffer zone opposing the traffic with guns and sensible materials originated from the CIS area, regional infrastructure – like harbours – suitable for projecting military forces, regional cooperation in the field of classified information exchange and the implementation of counter terrorism measures as a part of general effort in combating terrorism.

The list of security problems in the Black Sea region is long and complex. These problems are related to the fields of both hard and soft security. In addition to traditional issues of relationships between the military forces in the region, for example, these weak states are also a source of insecurity, have seen slow progress in economic reforms, undemocratic trends in domestic politics, environmental degradation, illegal migration, trafficking of women, and drug and weapons smuggling. These problems must be dealt with urgently, because they will worsen if not countered. Clearly, these issues are of significance not only to the countries within the region, but also to any other power that becomes involved in the area.

II. Security dimension

Due to the fact that constitutes the South-Eastern dimension of Europe, the Black Sea Region is considered at the heart of Eurasia. It immensely important for the security and stability in Wider European space in particular in the view of the recent developments both within the BSEC region and around it (EU expansion, developments in the Middle East).

The end of the Cold War has not brought to the Black Sea region the desirable peace and stability. Moreover, the growth of conflict and tension on both the state and interstate level is now observed. These are displayed in the most dangerous way as well, that of military threats. We are the eyewitnesses of armed conflicts in the post-Soviet space: between Armenia and Azerbaijan, in Georgia (Abkhazian and Ossetia), in Moldova (Transdnestria), in Russia (Chechen). The historically established mistrust in relationships (between Greece and Turkey, Russia and Ukraine, for example) is being kept up too. Two major "hot zones" of Europe – the Caucasus and the Balkans - exert direct influence on the Black Sea region's security; thus the potential, emerging and existing military threats in the Black Sea region are numerous[5].

In a security context the Black Sea region is important to major actors such as the EU, NATO, Russia and the US.

The driving force in this region is the world economy. Raw energy sources and energy routes are important factors. Another reason for interest is that there is not yet a dominating power in the region of newly independent states. One implication of the cold war was the fact that a new vacuum was created in its aftermath. The newly independent states were inexperienced without a historical foundation to guide neither them nor established institutes with which to govern.

In this light, "security" is no longer the sole preserve of the military. Human, economic and environmental security has become complementary components of politico-military security. Therefore, Black Sea States need to look at security and stability in the region in a comprehensive manner, even if resources are oftentimes inadequate to take all inclusive measures in order to counter the multitude of threats, risks and challenges.

Ultimately, security and stability in the Black Sea depends on the region's deeper integration into the evolving Euro-Atlantic security system and the more active and sustainable presence of the EU, NATO and the OSCE in the region[6]. Closer ties with European and Euro-Atlantic institutions are crucial to ensuring democratic transformations in the Black Sea states, providing a strong reason for finding final solutions to frozen regional conflicts, and putting an end to these countries' remaining geopolitical uncertainty. As a result, the Black Sea region becomes a testing ground for the effectiveness of a new Euro-Atlantic security order.

There will be far-reaching effects in the region as a result of EU and NATO enlargement and that it is essential that the EU and NATO continue their active participation in resolving internal conflicts, frozen conflicts and other security issues that plague non-members. The importance of military power in the region is declining and if one wants to find ways to solve the internal conflicts in the region and to counter new threats, one must find other peacemaking instruments in order to secure the stability of the region. Another regional security dynamic is the new cooperative relationship between Turkey and Greece, which will have a positive impact on the region. There is opportunity as well as need, therefore, for a new NATO relationship with the countries of the region.

III. The European Union Policy

EU is undergoing rapid change towards becoming a fully fledged foreign policy actor. This development creates new possibilities for the Union to act and assist in the Black Sea region, as previously demonstrated in other regions.

Since the 1990s the EU has been involved in the Black Sea region mainly through the funding of national and regional projects in order to support reform processes in the region. It is currently becoming more engaged as a result of the following strategic interests:

- With the prospect of Bulgarian, Romanian and Turkish accession, the Black Sea will be a border of the EU and the interests of the Black Sea region will become the EU's interests[7];
- Since the great majority of EU member states are not energy producers, the security of energy supplies on which EU member states are dependent is becoming more important for the EU[7]. Until now, the EU's relations with the region and regional states were mainly based on economical and technical dimensions of cooperation. Except for Romania, Bulgaria and Turkey, which are EU candidate states, the EU has no major direct political initiatives with regard to peace and security in the area (although this aspect has certainly been raised in the broader framework of the Commission's 'Wider Europe' proposals for relations with 'new neighbours').

During the last years, the European Union has established friendly and close relations and also cooperates on many sectors with the countries of the sensitive region of the Black Sea. Historic, geographic, humanitarian, security and stability in the region and particularly, after the recent development in the Balkan peninsula, common values, common policies and common social structures are some of the reasons why the European Union intents to support the countries of the Black Sea region by using various ways and Programs[8]. The collapse of the Soviet Union has created a new geopolitical environment in the region of the European Union. Since then, the European Union has given priority to support the new independent states, to reorganize their economic, social and administrative structures and to progress according to the western standards.

The EU could incorporate its neighbours into foreign and security policy cooperation more easily than into other parts of its institutional and policy-making frameworks as the institutions for Common Foreign and Security Policy (CFSP) are currently quite flexible. Inevitably, it is very important that the EU continue to develop and strengthen its CFSP architecture. Security and defense policies are useful in dealing with only a very small proportion of the problems that the EU would like to tackle in its neighborhood. Security issues such as illegal migration, trafficking and organized crime, for which the right instruments are policing and border control rather than military means.

In order to make security a top priority for the states in the Black Sea region, the European Union needs to align the voices within into a coherent message that assures the Black Sea countries of the support they expect and need. We must acknowledge the fact that the security issue in the region cannot be approached or solved without external interference, without support from other international organizations with much more potential and influence.

For example, NATO already has three members – Bulgaria, Romania and Turkey – bordering the Black Sea. As for the EU, the candidacies of

Romania and Bulgaria need to be concluded successfully together with the issue of Turkey's membership aspirations. An EU that includes Sofa and Bucharest, and that is on track with Ankara, will be well positioned to engage the wider region[9].

IV. NATO and the Black Sea

NATO's interest in the Black Sea region goes back to the 1990s. NATO was one of the earliest international actors involved in the region as part of the discussions on enlargement. Within this context, Partnership for Peace (PFP) documents were signed with the Black Sea states (Armenia, Azerbaijan, Bulgaria, Georgia, Moldova, Romania, Russia and Ukraine) in the period from 1994–1995, in other words, three years before the EU's PCAs. Furthermore, the Euro-Atlantic Partnership Council (EAPC) was set up in 1997 in order to complement PFP Programmes with 19 Allies and 27 partners, including Armenia, Azerbaijan, Bulgaria, Georgia, Moldova, Romania, Russia and Ukraine as well as Turkey and Greece. EAPC activities are based on a two year action plan, which focuses on consultation and cooperation on a range of political and security-related matters including regional issues, arms control and international terrorism[10]. The growing emphasis on new threats in this context reflects NATO's own search for a post-cold war mission with less focus on collective territorial defense.

On March 29, 2004, Bulgaria and Romania joined NATO. The Black Sea is now ringed, on one side, by alliance countries and, on the other, by former Soviet states with varying degrees of instability and security problems. As the trans-Atlantic alliance spreads to the east toward the greater Black Sea region, it encounters new neighbours, where both asymmetrical and conventional threats that were previously not of primary concern now loom large. However, at the June 2004 NATO summit in Istanbul, held at the very entrance to the region, no coherent strategy was outlined for the alliance's new neighbourhood and only scant mention was made of its immense strategic importance.

In the aftermath of the Cold War, the trans-Atlantic security spotlight has slowly shifted from concentration on the plains of northern Germany to the realization that threats are emanating from a geographical band stretching from North Africa, to Central Asia, to South Asia. This band, which some have called the "arc of disorder," will demand the attention of the United States and NATO for decades to come. As the focus of Western security institutions moves toward the Black Sea region, it becomes essential to understand the geopolitical security situation in the region and assess the area's strategic significance in this context.

In addition to being a nearby point of origin for security threats, the Black Sea region is important to NATO's European states because it is the future target for the continued expansion of European and trans-Atlantic institutions. The region is vital for the United States as a possible future stronghold from which to engage the greater Middle East and substantial portions of surrounding regions. It is also the gateway through which Caspian and Central Asian energy sources reach Europe and the United States.

At first glance, the Black Sea seems surrounded by potential conventional sources of instability and crisis[11]. Greece and Turkey remain at odds over sovereignty issues in the Aegean Sea, a problem exacerbated by their mistrust over Cyprus. Safe passage through the Aegean high seas zones is essential to all Black Sea states whose merchant and naval vessels need to reach the Mediterranean, not least those of Russia.

Russia and Ukraine chafe over undetermined borders and territorial disputes. Rocked by political scandals, Ukraine has been slipping away from democracy during the past few years. Its Communist party still has significant destabilizing power, and the October 2004 presidential election could trigger a volatile leadership situation. The brutal, prolonged war in Chechnya, the cause of which has now been hijacked by Wahhabist militants, continues to encourage a massive flow of arms through the region and has created a terrorist hotbed.

Armenia, with Russian support, and Azerbaijan, with Turkish support, grate over the disputed territory of Nagorno-Karabakh, while Azerbaijan seeks to expand its energy industry. Abkhazia and South Ossetia in Georgia and the Transdniester Republic in Moldova proclaim independence and stake out their territory with the help of Russian troops[12]. These frozen conflicts, compounded by the numerous asymmetrical threats in the region, present a challenging environment on NATO's eastern front.

NATO's engagement in the Black Sea area must come with a shift of focus if it is to "project stability where it matters." Many of Europe's major concerns, such as drug, arms, and human trafficking, illegal immigration, terrorism, and possible nuclear proliferation can only be addressed by including the Black Sea region within the NATO framework. Moreover, the areas where there are frozen conflicts, providing perilous havens for terrorists and criminals, are self-evidently of interest to NATO[13].

New NATO members Bulgaria and Romania, along with Turkey and Greece, are on the front line against these threats to wider European peace and stability. Bulgaria and Romania are actively communicating their willingness and ability to host NATO and U.S. bases. NATO bases in Greece are essential to launching operations across the Mediterranean region. Turkey's strategic value as a launching ground for operations in the greater Middle East and its importance as a secular inspiration for other Muslim societies will grow in importance every day, especially if Ankara is given a date for beginning EU accession talks. NATO has provisions in place for the protection of the eastern Mediterranean, its south-eastern front. Similar provisions must be put in place for the Black Sea region, its vital eastern front.

The U.S. and Europe cannot afford to ignore the potential for instability in the regions providing their energy. It is essential that NATO delve into Black Sea security solutions, utilizing to the fullest extent possible its two new Black Sea members: Bulgaria and Romania. These new NATO states face a host of domestic problems. Both still have relatively porous borders. Both serve as major transit states for illicit drugs such as marijuana, cocaine, and heroin from Turkey and Central Asia. Human traffickers find victims in Bulgaria and Romania, and transport others there from nearby countries.

Nonetheless, the military capabilities of Bulgaria and Romania are impressive. Only 48 hours after the September 11, 2001 terrorist attacks, both countries provided full intelligence cooperation with the U.S. and NATO, in addition to granting complete over flight rights and basing and port facilities to Washington and the alliance during Operation Enduring Freedom, the Afghanistan military campaign. Both countries have also contributed troops to Afghanistan, the coalition forces in Iraq, and the peacekeeping forces in the Balkans.

Romania, by far the most populous of the Vilnius group states, is more accomplished militarily than Bulgaria. Its contribution to Operation Enduring Freedom proportionately exceeded the capabilities of some original NATO members[14]. Of all the European countries that participated in this campaign, Romania was the only one to deploy a battalion-strength force, approximately 500 troops, with its own airlift. There are approximately 800 Romanian troops in Iraq and about 300 in the Balkans.

As Bulgaria and Romania have carried out the modernization of their armed forces, they have donated their excess weaponry to U.S.-funded Train and Equip projects, such as the one in Georgia. In addition, both countries, while working closely with the U.S., have also cooperated closely with Russia, in an effort to bridge the gap between seemingly conflicting interests in the Black Sea region. Far from being liabilities to NATO, Bulgaria and Romania are not only at the forefront of the alliance's current and future activity, but they also seem to be ahead of the game in terms of forward-thinking strategy.

As part of the development of the region, the Black Sea states are beginning to participate in a number of cooperative security efforts. Cooperation in peacekeeping has become common since Georgian and Azerbaijani troops have been part of the Turkish contingent in the Balkans and Armenian troops have joined the Greek force in Kosovo. Furthermore, a cooperative security group has already been formed along the lines needed to address Black Sea security issues.

BLACKSEAFOR, a naval cooperation task force conceived in 1996, includes the navies of Turkey, Bulgaria, Romania, Ukraine, Georgia, and Russia. The tasks assigned to the cooperative are non-military, such as rescue missions. However, during these missions, interoperability between the navies is increased. BLACKSEAFOR can serve as a prototype, not only for a naval cooperative serving military purposes, but also for a potential Rapid Reaction Force, based possibly on the concept of the NATO Response Force proposed at the alliance's Prague summit in 2002. Quick intervention in crises by such a force would include contingents from the militaries of all Black Sea countries. BLACKSEAFOR's flag, representing all the participating nations, is an important symbol of the potential of Black Sea states working in concert.

Alternatively, BLACKSEAFOR could be incorporated into an expanded version of NATO's Operation Active Endeavour, which has been very successful in detecting and preventing criminal and terrorist actions in the Mediterranean since October 2001. The magic ingredient in BLACKSEAFOR, however, is Russia's membership. If collective security programs are to be successful, they must, at least eventually, include the Russian Federation as a major partner.

It is not NATO policy to have regional strategies. However, if the overall purpose of NATO is to most effectively project stability where it matters, regional cooperative security programs should be a major part of its strategy. It is up to NATO to incorporate already-existing cooperatives such as BLACKSEAFOR into a comprehensive, multi-faceted initiative, where NATO and non-NATO states, including the Russian Federation, could pool efforts and partake in a variety of endeavours that address regional strategy, crime, terrorism, energy, and environmental issues. This could, perhaps, be formulated within a Partnership Action Plan, a concept proposed at the NATO Prague summit. The mere sharing of critical security information among the Black Sea countries can help prevent potential catastrophes such as a tanker being hijacked or exploding in the Bosporus. A program supported by the impetus of NATO and European Union expansion would be more likely to attract the interest of non-NATO Black Sea nations and produce concrete results than an independent program would.

V. Main Sub Regional Black Sea Organizations

Regional institutions such as BSEC, the Black Sea Council, and GUUAM provide important opportunities for countries to begin to build trust. Cooperation in regional forums, however, must also be complemented with healthy and open bilateral relationships.

Besides international cooperative initiatives in the Black Sea region, a number of regional and sub-regional cooperation attempts have been initiated in the area.

***BSEC (Black Sea Economic Cooperation)**:* BSEC was set up in 1992 in order to facilitate economic common projects and regional cooperation among Black Sea states. In 1998 it was transformed into a regional organization.

By developing economic and trade relations between the Member States in the geography which consists of the Balkans, Caucasus and the Black Sea Littoral States, BSEC aims at contributing to the regional and international peace, security, stability and welfare.

Furthermore, in order to promote trade activities among regional states and to provide funds for regional development projects, the Black Sea Trade and Development Bank was established. BSEC is considered to be a significant tool for the region's integration with the EU. The member states aim to cooperate against challenges to stability and security. Within this context, new areas of multilateral cooperation such as combating organized crime, illicit trafficking of drugs, weapons and radioactive materials, all acts of terrorism, and illegal immigration have been established among the member states[15].

It goes without saying that economy and security are closely related issues. A process of economic cooperation and development can only evolve successfully in a secure and stable environment. Whereas security has never been a static concept, since the end of the Cold War it has been extremely fluid and it seems that this will continue well into the 21st century.

BSEC Member States share the view that terrorism and issues such as organized crime, illicit traffic in narcotic drugs, small arms and light weapons, and sensitive material and technologies as well as illegal migration, smuggling of migrants and trafficking in human beings are the key challenges and major threats to regional and international peace, security and stability.

Until now, cooperation in security affairs within BSEC has had a nonmilitary character (focusing on organized crime, illegal migration, and drugs). Security concerns have tended to be linked to economic cooperation at the regional level.

BSEC in carrying out its mission of contribution to peace, security and stability in the Black Sea region mainly through economic cooperation among the Member States has also embarked on "*soft*" security measures. One of the areas of cooperation enumerated in the *BSEC Charter* is "*combating organized crime, illicit trafficking of drugs, weapons and radioactive materials, all acts of terrorism and illegal migration.*"

GUUAM (Georgia, Ukraine, Uzbekistan, Azerbaijan and Moldova): In 1997, GUUAM was founded as an informal political, economic and strategic alliance in order to strengthen the independence and sovereignty of its members. GUUAM's missions include pledges to assist participation in the states' implementation of projects in the production and transportation of oil and gas, and the establishment of special partnerships and dialogue with NATO on issues of mutual interest. The security of the Eurasian corridor is seen as the essential focus of cooperation[16].

Above: The five member countries of GUUAM - Georgia, Ukraine, Uzbekistan, Azerbaijan and Moldova-form a transportation corridor East to West.

The GUUAM mission should bypass the geographical boundaries of member states and reach out to a larger region. This is why GUUAM activities of the recent period were somehow redirected from strictly security and political consultations to the issues of an overall development of the Eurasian corridor.

The development of GUUAM itself is evolutionary, beginning in spring 1996, when the delegations from the four states laid the groundwork for the consultations within the GUUAM format on the CFE flank issues, and evolving naturally and without any coercion. The range of issues for the consultations broadened and besides security, it gradually moved to cover political, commercial and economic matters and, naturally, the number of participant states also increased[17].

GUUAM has been supported by the US within the GUUAM-US Framework Programme. The US Government has committed approximately one million US dollars for fiscal year 2003 to provide expert and consultative assistance in order to implement the programme. The projects that are funded by the US are mainly related to the GUUAM member states' campaign against terrorism, organized crime and drug trafficking. Besides BSEC and GUUAM, Black Sea states also participate in other neighbouring initiatives: Bulgaria, Greece, Moldova, Romania, and Turkey are among participating states of the SECI (Southeast European Cooperative Initiative); Bulgaria, Moldova, Romania, and Ukraine are among participating states of the CEI (Central European Initiative); and Bulgaria and Romania are members of CEFTA (Central European Free Trade Agreement).

The Black Sea Region

NOTES:

1 The Black Sea is one of the most remarkable regional seas in the world. It is almost cut off from the rest of the world's oceans but is up to 2212 metres deep. The eutrophication of the Black Sea due to the excessive loads of nutrients via the rivers and directly from the coastal countries has led to radical changes in the ecosystem since the 1960s. This has had a major transboundary impact on biological diversity and human use of the sea, including fisheries and recreation.

2 Serbia -Montenegro is a new member which joined the organization of BSEC in 2004. Final internal procedures to join the BSEC are in the process in the FYROM

3 The six littoral states are: Romania, Georgia, Bulgaria, Ukraine, Turkey and Russia.

4 See G Herd & F Moustakis, *Black Sea Geopolitics: Dilemmas, Obstacles & Prospects*, Conflict Studies Research Centre, RMA Sandhurst, July 2000, p.22.

5 Jan Knippers Black, *Ethnic Conflict and Pipeline Politics in the Caucasus*", USA Today Magazine, May 2000, vol 128, issue 2660, page 22

6 Jane Sharp, *Toward a Secure Europe*, Current History 96/608 (1997):130-134

7 *Candidate Countries*, EU Online, http://europa.eu.int

8 *NATO Enlargement,* NATO Online, http://nato.int

[9] PANTEV, Plamen, **Security in the Black Sea Basin, Politics of the Black Sea: Dynamics of Cooperation and Conflict**, Londra, I.B. Tauris, 2001.

[10] NATO, **The Euro Atlantic Partnership Council (EAPC),** NATO Handbook 2001, http://www.nato.int/docu/handbook/2001/hb020202.htm>.

[11] CORNELL, Suante E., **Cooperation and Conflict in the North Caucuses, Politics of the Black Sea: Dynamics of Cooperation and Conflict**, Londra, I.B. Tauris, 2001. p 195.

[12] Aybak, Tunc, ed. Politics of the Black Sea: Dynamics of Cooperation and Conflict. London: I.B. Tauris, 2001.

[13] See Emerson, M. and Vahl, M., *Europe's Black Sea Dimension–Model European Regionalism, Prêt-à-Porter*, eds T.D. Adams, M. Emerson, L.D. Mee, and M. Vahl, **Europe's Black Sea Dimension**, Centre For European Policy Studies: Brussels, 2002, pp. 15-16.

[14] Pop, A., 'Romania's Challenge', NATO Review, spring 2003, issue 1.

[15] ECOBESCU, N. şi MICU, N., **Black Sea Multilateral Cooperation: New Stage, Wider Opportunities**, Romanian Journal of International Affairs, 2003, vol. 9, nr. 2–3 (2003), pp.248–252.

[16] 6 - 13 GUUAM, The GUUAM Group: History and Principles, Nov. 2000, http://www.guuam.org/general/history.html

[17] Remarks by the Ambassador of Georgia Tedo Japaridze at the CSIS Conference: GUUAM: WHAT IS THE FUTURE? July 11th, 2001

SOME REFLECTIONS ON THE CREDIBILITY AND THE RESPECT FOR THE INTERNATIONAL LAW

Lieutenant-colonel Gheorghe TĂTARU

Our blue planet is amazing now and ever. Many of the achievements that the human being is proud of are his mind's creations and they can be found in nature. From graphically point of view, the security phenomenon, as many nature's creations, is very sensitive and ephemeral, but it has an extraordinary regenerative capacity.

The conclusion that "nowadays, the human race civilization reaches the complexity of security's problems and the existence of a correlation between the individual security and the collective one" is easily and natural to appear from the majority of specialized writings. But, from understanding "what is happening" – thanks to the IT leap, to know "why is happening" it is far away. With much ado, subsequent crossing this way, the existing connection between the individual security and the global security will be set up in the homo sapiens' subconscious and after that it can instinctually guide the collective actions. Till then, the theoreticians try to explain the phenomenon and to elaborate the concepts of the security and insecurity, the military/political analysers endeavour to foresee the next steps of the worldwide situation, and also the leaders dream to the bridles of human communities management.

There are huge differences between the human communities around the globe, regarding the level that civilization has reached, and the cognitive ones are. The ratio is kept up regarding the step where everyone is on the scale of consciousness about the complexity of security's problems. Maybe we seem do not believe, but some people are very high on this scale and for sure far away of the level on witch many others brainworkers subjectively consider that they are. The harmonisation of the points of view of the elites from developed countries lies as a proof within the framework of annual conferences of some international super-organizations as Bildelberg and Trilateral Commission, which subsequently comes to light in the horizon of the broad masses of the people, during the large mediated event G8 summit that follows them. The natural question could be: Why do they not spread out their wisdom to the many? The answer perhaps can generate another question: Are there many people ready to understand this wisdom in order to use it in a constructive way? There are two aspects, among many others, apparently without any connection. The first is a common one, and it can tell us a lot: the legend that is all around about Albert Einstein's last working years, according to which he rejected the idea of leaving all his discoveries to the humanity, because he said that human society is not developed enough to use them constructively. The second one is the exasperation of the local administration from New York towards the UN employers' uncivilised behaviour in the reserved parking lot that are gathered up from the different civilizations worldwide. In spite of the fact that the majority of them are the owners of diplomas that can prove the attendance academic institutions and they have the facilities good enough to be envied, not all of them are successful in understanding these standards that must be followed in an American metropolis.

We mention these examples from the real life, because it is well known that, many of the great discoveries are in fact phenomenon that the human has already been in contact, but he is not aware about. Concerning the problems of understanding the security phenomenon, some sociologists put forward a few opinions, according to which the insecurity at the global level is generated by the occidental world, who cannot and do not respect the other civilizations. But indeed, people from some civilizations whom the few generations ago still living at a Neolithic level, can really be aware about of what are they learning now in the universities? If the answer is affirmative and the time factor has no importance in the human mind evolution, it means in the presumptive case that he face with the very advanced civilizations sometimes, he can be able of huge diachronic steps. This opinion is hardly to be true. However, we cannot deny the possibility that the evolutionary process can be accelerated, under the influence of a superior civilization environment contact. The cognoscibility degree of human evolution is difficult to be evaluated nowadays, when, in spite of that, the technological progress has the exponential quota on little units of historical time, the human society is still confused and it cannot see their perspective clearly.

The meditations and the digressions, apparently philosophical, are inherited in the understanding trial of the individual and collective security's phenomenon. At the same time, these are useful for achieving that the security problem is complex and intrinsic for the human evolution, and the study is for a long time.

Insecurity, the antonym for security concept, is an inciting research subject, especially now – when we are living in a period of great geostrategycal and geopolitical changes. Thus, in the last period an avalanche of studies has been found in which it has been trying to redefine the challenges threatening risks, factors of risks etc., on security's behalf at all the levels, from the individual to the global one. In the same context some series of works have been done, which try to estimate the evolution in the crisis situations, in the conflicts and in the wars. We are looking, in short, to bring into your attention a single aspect – one that has now an influence against putting into practice the already issued theories for security and defence domain all over the world, European and regional: *credibility of the international institutions and respect for the international law*.

The states and the others entities that are involved in international groups (governmental and nongovernmental organizations etc.) which define the "international community" notion, in order to assure the efficiency of their actions, they could see themselves obliged to take into account that the international relations are logical, necessary and caused induced. The theory of nomo-logical determinism existence in the international relations was scientifically proved and it cannot be easily contested. On this base, the international community awarded the necessity to issue a set of law standards that can rule the ratios between the entities that consist of, what it has led to the emerging and the developing of public international law. So far, everything seems to be logical. But, because the world is material too, a new problem emerges, apparently illogical, that of the standards applicability by the entities that co-operate to issue them (thus, the fundamental principle of the dialectic philosophic theory – the unity and the conflict of opposites – prove at least its applicability partially, in spite of this cognitive scientifically method is in general obsolete). The deficient character of public international law's applicability shows that this domain of the law sciences is still there in a beginning stage. An eloquent example, which supports this affirmation, constitutes the differences of opinion regarding the setting of the specific expressing types of an international law, called "the spring of public international law" in the specialized terminology. Article No. 38 of the International Law Court Statute identifies and labels them in "the main springs" and "the auxiliary instruments". The main springs category consist of "the treaty", "the customary law" and "the general law principles", and the auxiliary instruments for establishing public international law consist of "judgments" and "the doctrine". Also, "the equity" is considered to be a potential spring of law. But, this point of view is not shared on all the meridians. There are not few, the specialists that affirm that International Law Court Statute does not consume the spring of public international law list and they add on it another two categories: "the adopted documents by the international organizations" and "some of the unilateral state documents". Thus, the public international law is turned into a real merry-go-round that can be set to run in comparison with the momentary interests of whose that have the necessary potency for its management. In this context, the credibility of the international institutions and respect of the international law represents a subject that in a diplomatic manner could be labelled by "interesting". The present serious UN crisis, that has not stop till their causes are understood and the organization reformed, proved the fragility of the international relations and the public international law limits.

Today, the world is geostrategical and geopolitical putting aback. We assist to reshape the zones of influences when the former allies become rivals and the former enemies get to be partners, in short we are living in an uncertain world. A single thing is sure and that is to say this world is a unipolar one. The single great power – US, with less than 5% of the worldwide population, that allocates for defence over 50% of the worldwide military budget values, has not any competitor to this statute at present. That is why the military/political analysers everywhere in the world are trying to foresee how this situation will develop. The optimistic and the pessimistic opinions are divided. The first group consist of those who consider that this situation will continue till, next to US, another two centre of power on the globe will appear – Europe ant Asia, as the second stage of the world globalisation. Among them there are military/political researchers such Stephen J. Flanagan – director of Strategic Studies Institute from US National Defence University, Richard L. Kugler – professor at the same institute etc. In the second group there are those who believe the single power that has remained after the Cold War is on a decline period. Among them there is the director of The Americas Studies Centre from Berkeley – California, the historian Roger Burbach, who considers that the United States manifest the declining symptoms that conducted to the fall of all empires. In a moderate manner of speaking, but in the same note, Charles Kupchan (a teacher to the Georgetown University and the former member of National Security Council during Clinton Administration) expresses his opinions[1]. In their theories they start from the collapse of the international institutions credibility and the respect for the international law, which occurs in 2003, after the American/British intervention in Iraq. At the first sight the arguments are viable, but can really the international institutions and the international law promoted by them be left on the scale of evolution during the Cold War years? The question can surprise, but it is supported by the employers' opinions of many international organizations that affirm – of course unofficial – that the efficiency of their activity is almost worthless in comparison with the huge amount of financial resources that are wasted from the international contributor's pocket in the most pure communist manner.

Therefore, we hope that the opinions of the people from the optimistic group will be confirmed alongside with the passing years and the international organizations will be more and more efficient. The power vacuum could cause much evil than that two world wars, because it can let place to the less democratic developed states to display their ambitions and vainglory specific to the Middle Ages.

NOTES:

[1] KUPCHAN A. Charles, **The end of the American Era: U.S. foreign policy and the geopolitics of the twenty-first century**, Random House, New York, 2002.

NATO COMMAND AND TRANSFORMATION

Alina AMZICĂ
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Without any doubt, the "Old NATO" with its associated "heavy" integrated military command structure was extremely successful, but it had been built to cope with the threat posed by the former Soviet Union and the Warsaw Pact. However, against the background of the fundamentally changed strategic landscape, with its increasingly multi-faceted, multi-dimensional, and trans-national risks and uncertainties, NATO not only had to review its concept for security in and around Europe, but it also had to review the tools it has at its disposal. In this regard, the new NATO military command structure was the tangible evidence that the political will to manage change, as first manifested at the London Summit in 1990, is being pursued by the Military Committee.

1. NEW NATO COMMAND STRUCTURE

1.1. A structure for its time

At that time four key risks and uncertainties that, by their very nature, conditioned the environment in which NATO's command structure, and indeed NATO itself had to operate, were taken into consideration:

- significant instability in Russia
- the unresolved disputes, claims, ethnic tensions in Europe
- the continuing proliferation of weapons of mass destruction and the means to deploy them
- the emerging risks: the search for vital resources (and, as a result, mass migrations), trans-national crimes, terrorism and non-state actors using military means or high technology.

Between 1991-1999 the Alliance leaders were dedicated to create a new mission-oriented command structure, enabling NATO to deal with localized crises and conflicts whilst preserving its collective defence capability and maintaining a balance between mission-driven requirements and the level of resources and capabilities made available by nations.

In essence, NATO integrated command structure consisted of two Strategic Commands, one for the Atlantic and one for Europe. Strategic Command Atlantic consisted of three Regional Commands and two Combatant Commands. The structure of Strategic Command Europe was somewhat more elaborate with only two Regional Commands but with two Component Commands and a number of Joint Sub-Regional Commands (JSRCs) reporting to each of them.

Recognizing the unlikely prospect of an Alliance-wide conflict and the fact that most crises at that time would be of a localized nature, the focus of Alliance military activities was placed on the regional level. The regional commanders were mandated to develop and execute, together with their subordinate commanders, campaign plans at the operational level. They provided the bridge between strategic level direction and the tactical level execution, through those elements of the force structure assigned for a specific operation or campaign.

The flexible approach adopted with respect to command and control measures, such as boundaries, co-ordination lines and phasing, greatly facilitated the conduct of exercises and operations. They were used only for advance planning, exercises and the conduct of operations where and when they were established, thus being limited in time and scope.

The new structure promoted the Alliance cohesion in many ways. For example, it was instrumental in maintaining a strong transatlantic link, in tying all member nations to the Euro-Atlantic environment, in strengthening multi-nationality, in preventing re-nationalization of defence, in supporting the European pillar of the Alliance, and in providing appropriate roles for all member nations.

1.2. Reasons for change

In many respects, what NATO achieved in this period met the operational needs of that period and represented a substantial shift in thinking for the organization. However, the array of missions - peacekeeping (Stabilization Force in Bosnia), peace enforcement (Implementation Force in Bosnia and Kosovo Force in Kosovo), preventive deployment (Operation Amber Fox in Macedonia), embargo enforcement (Operation Sharp Guard in the Adriatic), and combat operations (Operation Allied Force over Serbia and Kosovo), the unpredictability of conflicts, and the potential missions beyond NATO territory, all threaten to stretch the still-mainly fixed NATO command and control apparatus beyond its design limits. Furthermore, the third level of the command structure, designed mainly to foster joint ness and multinationality (the joint subregional commands - JSRCs), failed to prove its efficiency. Some JSRC headquarters were seriously understaffed, as nations gave higher priority to deployed headquarters in the Balkans and to high readiness forces at home. Moreover, the JSRCs had little authority over other activities, such as Partnership for Peace requirements. In short, they had few day-to-day missions of real substance. Low funding and sparse training or exercise opportunities reportedly were causing morale to deteriorate.

Additionally, post-September 11, a large amount of effort has been devoted to both antiterrorism efforts within NATO countries and more active antiterrorist operations in far-flung countries. This new reality dictated a change in NATO's command structure to give the Alliance more flexibility and the capability to plan and direct missions outside the Alliance's traditional territory.

1.3. A new structure for different times

NATO command structure, with the profusion of joint sub-regional commands based on national headquarters, was not well suited for this new role, despite the fact that NATO created three Combined Joint Task Force staffs optimised for out-of-area operations. While area and country-specific sub-regional commands could be eliminated, additional headquarters devoted to planning and leading longer-range operations were required.

Due to these factors and the press to prepare for future missions, at the Prague Summit in November 2002, the Alliance Heads of State and Government agreed to further strengthen NATO's ability to meet the new threats and security challenges of the 21st century. To this end, they approved the Defence Ministers' report, which reflected the agreed minimum military requirement and provided the outline of a leaner, more efficient, effective and deployable NATO command structure.

What makes Prague more compelling than earlier post-Cold War Summits at Washington, Madrid, Brussels and Rome is that it was preceded by a transatlantic convergence on two points. Firstly, members agreed on the need for a smaller military structure designed around minimum military requirements. Secondly, the allies foresaw that future threats, such as terrorism, require the availability of a small but reliable force, capable of engaging in combat operations on short notice, at far greater distances than before. Consensus on these points signalled the end of a long migration from exclusive focus on collective defence to full investment in military capabilities to respond to threats well beyond NATO borders - an evolution that has taken more than 10 years.

It is, perhaps, the most important development of NATO since its inception more than five decades ago. Under the three-year reform plan, NATO would cut the number of command headquarters from 20 to 11. The two operational strategic commands were reduced to one (Allied Command Operations – ACO), and a functional strategic command for transformation (Allied Command Transformation – ACT) was established to coordinate and promote efforts in enhancing capabilities. Below the strategic command level, two subordinate joint force headquarters (JFHQs), each able to generate a land-based CJTF, and a third joint headquarters, able to launch a sea-based CJTF, were established? The two JFHQ commands will be supported by three component (multinational but single service) commands comprised respectively of land, air, and maritime forces. The peacetime mission of the component commands will be both to strengthen interoperability and to train and exercise forces and command elements for commitment under CJTFs and the new NRF. There will be also fewer (six) combined air operations centres (CAOCs) than the 11 now maintained within the air forces of NATO members. This is an approximate 40% reduction. An important advantage of this streamlining will be the ability to redirect cost and manpower savings to the existing Alliance shortfalls.

1.4. Tasks and missions

1.4.1 Allied Command Transformation (ACT)

A major role for streamlining the transformation process will be played by ACT. As NATO becomes a global entity, ACT will contribute to preserve the peace, security and territorial integrity of the Alliance member states. It will lead the military transformation of the Alliance forces and capabilities, using new concepts such as the NATO Response Force (NRF) in addition to new doctrines, in order to improve the military effectiveness of the Alliance. ACT ensures that NATO will, at any time, have the appropriate forces available to meet its commitments and is responsible for NATO restructuring and modernizing, working in close link with Allied Command Operations and NRF commanders. Key concepts for ACT are *joint operations* and *interoperability,* in other words, ensuring that sea, air and land forces can operate together and that the armed forces of various member nations are capable of working in close cooperation.

Four significant missions can be foreseen for ACT.

- The first is to engage in bringing transformational concepts into the design and execution of partnership activities, especially in the fulfilment of individual membership action plans.
- A second mission will be to establish a high-fidelity, rapid feedback Alliance centre for transformation lessons learned, to identify concepts useful not only to NATO planners and decision-makers but to national force and doctrine developers as well.
- The third area is for Transformation Command to assert influence on funding priorities for NATO, especially for the Consultation, Command, and Control Agency (NC3A) where future communications and information technologies are researched.
- Finally, ACT will oversee the incorporation of transformational doctrine and concepts into official NATO military materials and school curricula, the outcome of which will be the education and training of a new generation of NATO officers for future missions. ACT may also be asked to provide direct guidance to nations in terms of enhancing interoperability and network-centric capabilities through review of nation contributions to the Alliance under the NATO force planning process.

1.4.2 Allied Command Operations (ACO)

As regards the NATO operational responsibilities, these tasks will be carried out by the Allied Command Operations, which will be the Alliance's only operational strategic command. With significantly streamlined levels of headquarters, ACO will be better suited to:

- plan and conduct missions, including collective defense across an expanded NATO territory (the enduring Article 5 mission),
- carry out Partnership for Peace activities
- conduct NATO training activities and exercises with member and partner states forces
- conduct Balkan operations in Bosnia and Kosovo
- respond to the Prague political commitment to deepen contacts with Mediterranean Dialogue countries
- support of United Nations (UN) operations in Afghanistan.

And all of these simultaneously!

Added to this substantial list of activities will be the Prague mandate to be prepared to respond to crises well beyond NATO territory, mainly by deploying and employing NATO CJTFs and NATO Reaction Force as directed by the North Atlantic Council.

Although still a core element of the new command structure, the CJTF concept needs to be revised.

Recent exercises indicate that when a CJTF is deployed, it decimates the parent regional headquarter command and control capability until it can be reconstituted by substantial staff replacements. In addition, the reality that the CJTF staff may be able to exercise together only once every 2 years must be considered. When activated, the limited experience in working together will be a significant factor for poor staff performance. Both NRF and CJTF will place new demands on the high readiness forces of member nations, most of them already participating in operations in the Balkans, NATO exercises, Partnership for Peace activities, and (recently) support of UN operations in Afghanistan. These enduring missions and NRF and CJTF will increase competition for scarce forces and resources, at least during periods of NATO exercises and national training.

1.5. Conclusions

If we are to base our assessment on Lord Robertson's assertion that "Security in the 21st century is what we can make of it"[1], than we would be more eager to inject in our culture the need for progress as the only way to keep a responsive attitude towards the complex challenges of a less and less predictable future.

NATO has proved to be one of the most important organizations in addressing security issues in the Euro Atlantic area for more than 50 years and it is in our best interest to keep it at least at the same level of relevance. As a consequence, the Alliance embarked in a thorough process of adaptation and transformation.

This process has triggered the establishment of two strategic commands, specifically focused on transformation and operations, working together under the same strategic vision. These prove to be instrumental in identifying the necessary capabilities and the means to achieve them in terms of concept development and experimentation.

The management of change involved more than a compressed list of capabilities. Faced with a wide range of possible contingencies, NATO transformation included restructuring SHAPE to be able to provide force packages and their associated command and control components, operating outside the Euro-Atlantic area as well as to be the source of an expeditionary force.

As the transformation is required from a global security perspective, the approach has to be a global one as well, involving all international actors and all instruments they have at their disposal. In this respect, it is worth mentioning that the new command structure is now enabling the development of a more coherent and effective ESDI; and since no meaningful European pillar can be built without France, its commitment to a significant role within the ACT (the first involvement in the integrated military command structure since 1966) is a major step forward.

A key aspect of the transformation process is to ensure that the forces meet necessary standards for education and training, equipment and interoperability. As the number of headquarters decreased, more resources are now available for this purpose.

A questionable aspect might be the ability of joint forces headquarters to conduct simultaneously a CJTF and a NRF deployment. The main reason is the mentioned CJTF shortfall when deployed. A possible option could be the revision of CJTF concept and to consider it on a more permanent basis.

The new command structure is a direct result of the above mentioned process. However, it must not be perceived as an end-state but rather as an intermediate phase of an ongoing structural development driven by and responsive to the accelerating changes in the global security environment. To this end, we have to give room for transformation to prove its efficiency as far as the new command structure has not achieved its final operational status and has not been sufficiently tested so far in exercises or operations.

2. NATO FORCE TRANSFORMATION

2.1. Why Force transformation?

According to its initial meaning used by Bush Administration, "Transformation" of the US Defence described how the US Military should have been changed in order to meet the threats of the 21st Century. In the American understanding, this term was used mainly related to the military forces. In its simple understanding, it was the application of the information technology to the conduct of the warfare.

Hans Binnendijk describes transformation "as the process of creating and harnessing a revolution in military affairs. It includes new capabilities harnessed to new doctrine and new approaches to organization, training, business practice and even culture."[2] In fact, this terminology is strongly related to the Revolution in Military Affairs, concept applied in the US Military. In accordance with the American understanding, "Transformation" is driven by technologies applied both in how the armed forces are organized, how they think and how they fight.

In fact, applying this concept to military forces, the Defence system is shifting from using direct application of force to using capabilities as force multipliers, from forces with an attritionalist approach to operations to forces able to conduct operations basing their planning on the effect to be achieved, from terrain-based capabilities to time-based capabilities, from separated forces (land, air, naval), which temporarily and circumstantial co-operation to joint forces, which share common awareness and coordinate actions on the battlefield.

Applying "Transformation" to forces, they are able to focus on asymmetrical threats, to use "smart weapons" and give them command, control, communication and computer capabilities to synchronize their actions in order to provide a more effective use of manpower, by increasing their survivability and lethality.

George W. Bush used for the first time the term Transformation in relation to the adaptation of Military Forces to the new threats in 1999 in a speech at the Citadel in South Carolina, in order to describe how he would change the U.S. military if he were elected president. But the change of the American Military could be traced back to the end of the Cold War. This ongoing revolution in military affairs is "transforming" the entire way the U.S. military organizes and trains for warfare, even how it thinks about it. U.S. military services are making dramatic strides in changing the way they fight. In this respect, the U.S. Navy developed its new doctrine of network-centric warfare, the U.S. Army shifted toward light, flexible and quickly deployable units that could be integrated into information networks, the U.S. Air Force developed the global strike task force, the U.S. Marine Corps shifted from intermediate staging bases to direct projection of naval combat power to onshore targets. Simultaneously U.S. Joint Forces Command (USJFCOM) was created in order to experiment different doctrines and to drive transformation throughout the military. All of these are only a few examples of the changes underway. All these changes made US military to be the leader in the field of Transformation of its Military Forces, and this long process is to be applied now to NATO Forces in order to make them compatible with American Forces.

2.2. The meaning of "Transformation" for NATO

Admiral Edmund Giambastiani, who both heads the U.S. Joint Forces Command and serves as NATO's supreme allied commander for transformation, describes transformation as "a strategic opportunity and a pivotal moment for the Alliance. The prize is improved interoperability, fundamentally joint, network-centric, distributed forces capable of rapid decision superiority and massed effects across the battle space, critical to continuing Alliance relevance"[3].

Another NATO official, General Harald Kujat, Chairman of NATO's Military Committee, said: "Can the American Transformation process be exported as it to NATO? The answer to that is resounding 'no' and I will tell you why. When dealing with Transformation, NATO must consider a very specific challenge that not encumbers US Transformers: Multi-nationality of Sovereign states."[4]

The debates related to the gaps between Americans and their European Allies are old. But what is new is that US has the possibility to push forward its Allies in transforming NATO due to the strategic reorientation and its leading role in applying new technologies in defence matters.

One of the domains in which Transformation became paramount is the way in which NATO Forces are to be organized, equipped and manned, what capabilities should have and what mission should be able to accomplish. Territorial defence orientated forces able to protect sea-lanes of communication against Soviet submarines or Fulda Gap against Russian tanks must be transformed in forces with other capabilities: able to be projected in theatres beyond the traditional NATO area of operation, capable to accomplish missions of stabilization and reconstruction, able to participate to civil-military emergencies.

Transformed NATO Forces must participate, alongside US Forces, more actively to the "domination of what Barry Posen called "The Great Commons of the world" (the sea, space and cyberspace, and, militarily speaking, one might have to add the high-altitude structure over land as well)"[5].

But for NATO, as an Alliance composed of sovereign states, the choice must be made by them. States should make their own decision of being leaders or strategic followers in one of the many areas covered by the forces allocated to NATO. Any state should decide to develop niche capabilities, or try to cover more broadly layered capabilities. Being member of an Alliance, the decision is totally to any sovereign state in accordance with the possibilities available at national level, but also according to the requirements that are risen by the NATO's strategic objectives adopted through the NATO's politico-military decision making at which each member is able to have its word. This is the unique power that NATO has and should not loose.

Some of NATO member nations have already made some of these decisions. For example, some European NATO members have already made progresses in restructuring forces for power projection (UK, Netherlands, France), some others in developing the so called NATO Centres for Excellence (Czech Republic for NBC, Turkey for Anti-Terrorist Operations). All these decisions show that European Countries are closer and closer to making that strategic decision to modernize and adapt their Military Forces to the new risks and threats that emerged in the 21st century.

This decision has been taken in NATO by agreeing in the Prague Summit Declaration, at paragraph 4, that: "We have therefore decided to: Create a NATO Response Force (NRF) consisting of a technologically advanced, flexible, deployable, interoperable and sustainable force including land, sea, and air elements ready to move quickly to wherever needed, which will have its initial operational capability as soon as possible…".[6]

Creation of the NATO Response Force is a welcomed decision and its immediate development showed the commitment of all the Allies to implement the common decision.

2.3 Bringing NRF to Life

NATO Response Force is a concept proposed by Secretary of Defence Donald Rumsfeld in a speech held at the American National Defence University and the concept was embraced by NATO's European Member States at the Prague Summit, when it was introduced in the Prague Capabilities Concept. In 2003, the strategic concept and implementation plans have been issued by NATO Military Committee.

Anyway, the necessity of reforming NATO's Forces had been stated some years before, in the third part of the Long Term Study initiated by NATO in 1994. Even if this study did not give the same substance to the new force structure, it emphasized that the large, heavily equipped forces available to NATO were unable to respond to the new challenges identified at that moment, because of their lack of Combat Support and Combat Service Support and their inability to be projected for "out of area operations". The Long Term Study emphasized that NATO would have needed three corps-size units to respond to new requirements at that moment, mainly one unit to handle the on-going IFOR/SFOR Operation, one unit to respond to an emerging second operation in Balkans (KFOR) and one unit to be able to cover territorial defence against any recidivist Russian action in Europe or Syrian action in Turkey. At that moment, NATO military planners realized that all three options must be met with forces that should be multinational, rapid deployable and should have common training and procedures.

The only forces available that were responding to some extent to that requirements were Allied Command Europe (ACE) Rapid Reaction Corps (ARRC) and Allied Command Europe (ACE) Mobile Force (AMF).

But each of them had great shortfalls. AMF, initially designed for limited emergencies was too small, too lightly equipped for high intensity operations and too much shaped for continental emergencies. And anyway, the decision to dismantle AMF had been already taken because it looked to be unsuited to the contemporary missions. By contrast, the other existing force, ARRC, a huge force, composed of heavy divisions, backed by 300 combat aircraft and 100 ships, was too big to meet any of the requirements, mainly that regarding rapid deployment outside of NATO's traditional area of operations.

According to the NATO's Defence Plans, the other forces were made available by member states and were mainly heavy forces, designed for territorial defence. And, most importantly, they did not meet one of the most important requirements, the multi-nationality.

The new concept, NATO Response Force, called for a totally new approach in planning. The NATO Response Force should be a real joint force, bringing together a single well-armed land brigade, one or two tactical air units (fighter wings), and a navy flotilla of 8-10 vessels. But the most important requirement was related to command control: these units should have the plug-and-play capability for command, control, communication, computer, information, surveillance, reconnaissance (C4ISR) systems.

A force tailored in this way could be used in different roles: as a stand-alone force for limited contingencies, as a spearhead of a later arrived force in a theatre of operation and even as NATO contribution to a larger ad hoc coalition.

One of the most important requirements, and we mean by this long term sustainability, made NATO military planners to think how long such a force could carry out a mission. The normal NATO standard is 180 days. After this time, any military force must be replaced because its capabilities are diminish in such manner that it can not longer accomplish the mission. If NATO needed to accomplish simultaneously three operations meant that behind any force in place should be at least other two in different stages of preparedness. Simple mathematics said that at least nine such units should be set up.

In order to achieve all these requirements, NATO military planners asked for several more military units. These units were called NATO Rapid Deployment Corps or NRDCs. Three of these were planned to be in a higher state of readiness, called High Readiness Forces (HRFs), the other six being at lower readiness (Forces at Lower Readiness – FLRs). In any contingency, their maximum time for deployment remained at 180 days, giving enough time to the other forces designed to replace any HRF to be manned, fully equipped and trained.

The military request was surprisingly well received by European NATO Members, so more that three initially required NRDCs were offered by different nations. More than that, six nations offered themselves to host not just NRDCs, but that ones at a higher level of readiness, the HRFs. Surprisingly, because at the first glance, these forces are expensive to host and maintain, being not only headquarters, but real forces with significant Combat Support and Combat Service Support. But these disadvantages were balanced by the important benefits: important NATO founding are to be allocated for the training of these units; the Alliance members continued to perceive the political importance to host a NATO unit on its territory; existence on their territory of such an unit gave arguments of national military authorities to justify the budgetary requests and last but not least, the name, High Readiness Forces, gave more relevance of the national military establishment in the eyes of the political authorities and public opinion. May be this reason was taken into consideration when the term Forces at Lower Readiness was changed with a more accepted term as Graduated Readiness Forces.

After the initial assessment, nine entities were proposed to become HRF, and taking into consideration the 65 criteria for assessing the candidates, developed by NATO headquarters, Poland and Greece dropped out. These two nation made this decision because, studying in detail the criteria, they understood that they could not achieve the required equipment and level of training of their own forces in the time specified in the Prague Capability Commitment. US, as one of the candidates, also dropped out in order to give to the European Allies the opportunity to develop these capabilities which US Armed Forces had already had. Anyway, US was in favor of creating more European capabilities, more then those required by NATO, because it obliged more Allies to invest in Combat Support and Combat Service Support.

Finally, NATO assessed the potential candidates against the criteria and established six HRFs:

- Allied Command Europe (ACE) Rapid Reaction Corps (ARRC) in Germany;
- EUROCORPS in France;
- The German-Dutch Corps in Germany;
- IIIrd Turkish Corps;
- A Spanish Corps;
- An Italian Corps.

Each of these units was qualified as parts of the Prague Capabilities Concept NATO Reaction Forces, but for each of them were different reasons. The first three, ARRC, EUROCORPS and The

German-Dutch Corps, were existing successful multinational units that needed some corrections in structure and equipment.

Additionally, to keep France involved in the Alliance business, through EUROCORPS, was politically important. The French Forces inside a NATO commanded NRDC would have avoided France to develop its own initiative and to de-couple from NATO controlled initiatives. For ARRC, not only the multi-nationality and experience was the reason to be transformed in one of the NRDC, but the political reason was to keep UK forces to work alongside with the European Allies.

The rationale to qualify the IIIrd Turkish Corps was strictly related to the assessment that the most probable area from where threats can come is Middle East, and having a HRF in the proximity of that area to help the Alliance to meet the security challenges was a wise decision. In the case of the last two candidates, the Italian and Spanish Corps, the reason was to promote the reform of military sector in respective countries, both having their own problems in the reform of the defence and security system (Spain joined the International Military Structure in 1998 and Spanish Government needed to show that it had received tangible benefits in exchange of this decision).

In order to complete the "team" of nine, France made available for NATO an other Corps, dislocated at Lille, this fact being very important because France continue to involve itself in NATO Integrated Military Structure.

Having the decisions made on the candidates, the respective Alliance members had to invest in the equipment, rising the capabilities of the respective entities in order to achieve the required level of preparedness and training of the HRFs.

The Initial Operational Capabilities were verified by responsible NATO Joint Commands, and, according to the commitments made at Prague, this stage has been declared achieved in October 2004 for all NRFs. Actually, all the NRFs are preparing for the Final Operational Capabilities.

2.4. NRFs – better options for NATO?

We presented the way in which NATO Forces would look like at the beginning of the 21st Century and how "Transformation" was applied to the military forces available to NATO.

Before trying to conclude, it is worth analyzing the NRDCs, identifying the strength, weaknesses, opportunities and threats of such a new concept.

a. Strengths.

1) **Structure**. Their structure is clearly a strength because it responds to the threats that are designed to counter. The fact that they are joint in nature, deployable and having all the combat support and combat service support in the same package give them independence in the theatre of operation that is needed mainly when they are spearhead forces shaping the area for stronger follow on forces.

2) **Multi-nationality**. By their structure, NRDCs are multinational forces, and this characteristic gives one important feature: legitimity. This feature is very important having in mind the role of these forces: actions in remote areas.

3) **Capability of transformation**. Their chain of command is clear national, but they are under NATO supervision. Their "duble-hatting" posture gives the opportunity to work not only for their adaptation to the new challenges, but they can implement "transformation" to other national units that are not initially allocated to NATO.

b. Weaknesses.

1) **Timings**. The time is the most important enemy of NRDCs. They reached Initial Operational Capability this year, the meaning of this being that the staffs of the NATO Response Forces produced the documentation (operational and non-operational), but that documentation was not yet put in practice. This means that non-of them are able to go to operation yet, and, from normal life, it is clear that the most difficult stage is to apply the doctrines in practice.

2) Founding. The founding of the creation of NRDCs is national, except the training, which receive significant financial support from NATO Parent Headquarter. The most expensive parts, CS and CSS are completely national responsibilities. As an example, Italy has spent already tens of millions of U.S. dollars to upgrade its tactical satellite communications capabilities. We have the experience of other previous commitments which, because of financial problems, were delayed by nations.

3) **No direct relation to US Forces**. None of NRDCs has in the structure US forces. American forces could have been the promoters of transformation if they were part of any NATO

Response Force. The lack of "transformation" experience is one of the most important weaknesses of this concept.

c. Opportunities.

1) **Technological**. The fact that Allied Command Transformation is that structure that can influence European decisions related to the implementation of NATO Response Force could bring in Europe the new technologies and doctrines used by American Armed Forces in challenging the threats of 21st Century, doctrines and technologies that only one European NATO Member is trying to apply in its national forces, namely United Kingdom.

2) **Closing the transatlantic rift.** It is strongly related to the first opportunity listed here, but we want to put it separately because, in our opinion, if the doctrines applied in US and in Europe are closer related, even they are not the same, the different approaches to the actual challenges could become for sure not identical, but complementary. And this is much better than contradictory.

d. Threats.

1) **Duplication.** It is very important to avoid the duplication of European efforts to create the European Forces. If duplication is not avoided, nations hosting NATO Response Forces will shift their efforts to European Rapid Deployment Forces, leaving NRFs at the bottom of their interest.

2) Timing. The relatively long time available to nations to implement NATO Response Force could make national military authorities to lose the interest for them if NATO Authorities are not eager to follow the programme decided to Prague. Every action to postpone any of the steps becomes a great threat to the final implementation of the concept.

2.5 Conclusions

The important strength of the Transformation of NATO Forces, multi-nationality and possibility to spread the new technologies and doctrines, could be lost if there will not be a clear understanding of the fact that in new security environment, USA and Europe should not compete, but work together, using their complementary capabilities.

The fact that in NRFs American forces are not present is challenging both for Americans and Europeans: for the Americans, the threat is to lose the most important and traditional Allies in front of the challenges of the 21st Century; for the Europeans, the challenge is to use their capabilities complementarily not contradictorily to the American capabilities.

NOTES:

1"The Challenges to Global Security 2010",Lord Robertson's published interview, http//www.Janes.com

2 Transatlantic Transformation: Equipping NATO for the 21st Century, Center for Transatlantic Relations, 2004

3 Press Briefing by Admiral Edmund P. Giambastiani, Jr. U.S. Navy, Supreme Allied Commander, Transformation, http://www.nato.int/docu/speech/2003/s031112b.htm

4 Transatlantic Transformation: Equipping NATO for the 21st Century, Center for Transatlantic Relations, 2004

5 NATO Transformation: Prospects and Problems, edited by The Atlantic Council of the United States

6 Prague Summit Declaration, www.nato.int/docu/pr/2002/p02-127e.htm

JOINTNESS – A SUPERIOR MILITARY OPERATION

Lieutenant colonel Crăişor IONIŢĂ

<u>Motto:</u> *When a team takes to the field, individual specialists come together to achieve a team win. All players try to do their very best because every other player, the team, and the home town are counting on them to win.…[T]hey all must also believe that they are part of a team, a joint team, that fights together to win….[T]his is our future.*

Colin L. Powell, Chairman Joint Chiefs of Staff[1]

Joint Operations are neither anything new nor a future's vision. Actually, they are the present, as a very important characteristic of the Operational Art. The last conflicts have demonstrated that modern armies plan and fight as a joint team, during the entire spectrum of the conflict. And the correct understanding of the jointness represents a pre-condition for success.

The usage of some terms like **combined arms operations** or **integrated operations** is not the most correct definition of jointness. The first one is used to express a common operation undertaken by a service's branches and not by the services themselves. The second is not a type of operation by itself, but an action did by a service as part of a campaign. This is why we will refer to **joint operations** or **inter-services operations**, as it is commonly known in doctrines, manuals, and regulations to demonstrate what was made until now and what has to be done in the near future.

From its insertion among the types of operations, in the 80's, the ***Joint operations*** concept was unanimous defined as two or more services acting together. In fact, more correctly is to affirm that joint operations involve more than one service.

Furthermore, the term **joint** is used by civilian society, too. But with a total different understanding of the term. For example, during the last years it has been discussed a new concept of ***inter-agencies operations*** **to** consist of utilising some civilian agencies involved in security and defence issues (information gathering, Internal Affairs, international organisations, non-governmental organisations). From the civilian perspective, this common operation is known as **joint.** It is the same when the diplomats talk about **joint-venture activities,** undertaken by two or more countries to realise a common perspective (the RO-UK Centre), or when act together men and women.

The general purpose of **jointness** is to obtain an increased efficiency and effectiveness of the warfighting capabilities, not to equally involve land, air, and maritime forces of a state. From these perspectives, we can discuss about:

a) Joint military operations. These are meant to demonstrate the implementation of one of the most important warfighting's principle – the concordance between means and ends. As the Canadian Joint Officer Manual CFC 106(3) from 2001 stipulates, the basic principles of jointness are **simultaneity, synchronisation,** and **synergy**. We would put inside **asymmetry**, too. The desired effect is to create such a military power, at the chose time and place in order to overcome or deter the opponent commander. The key to realise unity of effort and to obtain a maximum effectiveness into a more changeable and unknown situation, is to create a common knowledge upon the realities of a modern battlefield and to integrate all services through standardised procedures, interoperable equipment and the use of same concepts. Co-ordination between services must be exactly, world-wide and carefully synchronised at all levels to obtain a shock effect and a maximum surprise.

b) Joint Forces. As it is written in the US Joint Pub 3-0, joint forces are those military forces capable of conducting campaigns or major operations (see Fig.1). Each service or component might conduct subordinate operations (engagements, battles etc.) or support operations (air, maritime, land, PSYOPS etc.). According to the US definition, joint forces should act beyond the operational level of war. NATO has not agreed with this description and formed a joint force at the tactical level – NATO Response Force (at Brigade level).

c) Joint Force Commander (JFC). JFC is the person who is fully responsible for the Joint Operation Area (JOA) and for synchronising all components/services' elements in order to realise the political-military objectives through battles and engagements. JFC is nominated by the sending nation (SACEUR) and is approved by the political-military bodies of the participating nations (NAC). It is nowhere stipulated that the nomination of a JFC is strictly related to the percentage his/her service represents in the national Armed Forces (see nomination of Romanian CHOD).

d) Joint Force Headquarters (JFHQ). JFHQ is designed to ensure the mechanism of joint planning and to conduct all components/ services' elements participating at a campaign or major operation. The importance of creating such a joint headquarters, even during peacetime, was demonstrated through the existing standing joint headquarters (USJFCOM, UK-PJHQ, all NATO Strategic and Operational Commands, and the RO 2nd Joint Operational Command from Buzău) and the deployable headquarters (US Standing Joint Force Headquarters Core Element, NATO CJTF HQs and DJTH HQs).

e) Joint Staff Officers. This represents a quite new warfighting profession, together with those provided by conventional and non-conventional war, operations other than war, national security, and almost disappeared nuclear war. It should be developed because of the new actors and competitors from the modern battlefield (international and non-governmental organisations, mass media, local population, rival military and paramilitary factions, terrorist organisations etc.). The aim is to create a ***joint community***, with its own management policy, procedures and applicability.

f) Interoperable equipment. It represents the armaments and materials capable of supporting joint operations, both for command and control of planning and for conducting them properly. And here we are referring to HQs' communication systems (Joint C4ISR, Joint FBCB2 -Joint XXI Battle Command Brigade and Bellow) and common and interoperable equipment systems (COTS – Commercial Off-the-Shelf hardware and software, M2A2 MBT, multi-role helicopter, Joint Straight Fighter, Joint Air Force/Navy Global Hawk UAV, civilian GPS system, Blue Force Tracker etc.).

g) Joint Doctrine, Training, and Attitude. All these elements form, together, the moral dimension of the joint concept. A Joint Doctrine, as it is stipulated in the NATO AJP-01 (B), is built upon the existing services' defining elements (joint forcible-entry operations, joint urban operations, joint force protection and sustainment etc.) or may constitute the developing system of new joint concepts (Joint Operations Area, Joint Principles, Standardisation, ROE, Operational Planning Process etc.). The last part should describe the future characteristics of conflicts, including joint operations, transition and reconstruction operations (stability operations). To define and experiment those new concepts would be useful to constitute distinct elements inside the existing HQs (J9 – Joint Experimentation Directorate at USJFCOM), or independent institutions, "centre" style (Joint Future Laboratory in US, Joint Warfighting Centre in NATO etc.). Joint Training represents not to develop some programmes or exercises only, but to live and work together. Working and living together will lead to forming that joint force with a joint training and attitude. The actual transformation, which takes place both in NATO and member and PfP countries, is fundamentally based on the new joint attitude, formed through common training like: Joint Doctrine and manuals, inter-services training bases, common troop-training programmes, preparing joint staff officers (higher ranks than major). "We must rebuild robust, real, or virtual inter-services training environment, capable of ensuring troop-preparedness, both at the tactical and operational levels of armed conflict and to measure the obtained performances", said Paul W. Mayberry, the US State Undersecretary for Defence.

Figure no 1. What means a Joint Force?

Inter-services Operations or operations

conducted together by two or more services, have been taking place from the first sub-division of armed forces (infantry and cavalry). The invention of artillery and than the development of warships (navy) helped that process. But all those common operations represented complementary or support operations and not joint operations. The appearance of the aeroplane and the approach to the military field reshaped battlefield, culminating with Guderian's ***tank-plane teamwork.*** But even during blitzkrieg, they remained support operations. Landing Operations of the Second World War increased the importance of the Marines, an Army's branch of those times. For this reason, and because of operations conducted together with naval forces, have designated those specially trained troops to be part of the Navy. The Vietnam War's lessons learned obliged the US Helicopter Troops to become part of the Army. But still we could not discuss about inter-services operations.

Two main events have represented the corner stone for the restarting point of debates regarding joint operations. Firstly, it was the ***Falkland/ Malvine War of 1982,*** where the modern royal forces had to confront a heavier, but habitual Argentinean force. The Air uncover of British convoys by RAF produced some lost in human lives and material damages. That represented a destabilised factor for the moral of Royal troops. Secondly, the ***rescue operation*** conducted by the US troops in ***Grenada in 1983*** demonstrated the incompatibility of communication system, procedures and even maps. The result was successful, but air campaign suffered a lot.

As a result of the lessons learned after those two conflicts, during the year of 1986 the American Congress adopted the so-called ***Goldwater-Nichols Act***, the core document for the future integration of American forces and the birthday of UJCOM (07.10.1999). Following the American model, during the same year, the British Government was approving the build up of a Permanent Joint Headquarters (PJHQ) at the Strategic level and the transformation of former Services' Senior Military Colleges into a single Joint Services Command and Staff College (JSCSC).

The First Gulf War (1990-91) requested, for the first time, Coalition forces to conduct inter-services operations, under a single joint Command and Control. As David OZOLEK, a former veteran and retired US Army colonel, has stated that "the role of JFC was to harmonise actions undertaken by all Services and to synchronise them to achieve common objectives". But even than it appeared a non-synchronisation between the Navy's carriers and Air Force's aircraft on the new system of Air Tasking Order (ATO), which was just implemented by the Air Force. That misunderstanding kept the Navy Aviation on the deck during the entire Air Campaign. The US Marines made another misinterpretation of orders, when they maintained their aviation for own support only.

The Belgrade bombing of 1999, or so-called ***Allied Force Operation,*** demonstrated, once again, the utility of conducting joint operations. At the same time, it highlighted some unresolved issues between the Army and Air Force. It was about the ***Land integrated usage concept*** of the Army helicopters AH-64 Apache that put them down during the entire operation.

Only the ***Second Gulf War (2003-?)*** represented the best image of jointness. That was because all Services shook their hands to obtain a decisive and rapid victory. "In the past, we really haven't fought a joint campaign", said Ozolek. "What we've fought are air, maritime, and land campaigns that were unified by a joint commander's vision and intent". In Ozolek's view, "The joint forces commander was in the role of-at worst-deconflicting those service capabilities and--at best--trying to synchronise them and get them to work on common objectives".

To describe in what ways did the nations act to realise the joint operations concept it is necessary to analyse, firstly, the defence strategic planning. Than we will see how the defence planning have influenced the modern military thinking.

In NATO and its member countries actually there are three current views on strategic defence planning[2]. The first one represents what Huntington had referred to as ***strategic pluralism*** or the maintenance of a real balance between existing forces and possible future risks for the national interests. Only few military powers can maintain that strategic pluralism because it involves a lot of capabilities to be maintained, in order to resolve all kind of situations and not to keep them under control. This view has, as a basis, the counter-action against all type of threats and not the reaction aspects. It influences the adversary decision-making process through the use of competition among decision-makers, including innovation.

The view is criticised because of bureaucracy and rigidity that attain a negative aspect on competition itself and maintain a surplus in resources.

The second view, known as the ***strategic monism***, is about the superiority of a single capability only (e.q. air power). This has a vital aspect in the analysis itself. If the analysis were incorrectly made or not in-depth, the result would be a disaster. The idea is based on the possibility to predict the future conflicts and to control them entirely through the role specialisation function of interoperability. This is a common view for weaker and single-spaces states. Furthermore, it is very useful for alliances and coalitions (like NATO, EU etc.), where each state could specialise on one or two capabilities. But it still would lead to strategic mistakes if the analysis were made incorrectly.

Finally, the last view is the so-called ***technophobia***, which represents one of the requirements for the Revolution in Military Affairs (RMA). There are a lot of debates stipulating that technology, by itself, could resolve an often changing and unknown situation. Thus, decisions should be taken without any ambiguity, resources used for new technologies and not for Services, leading to new doctrines and new structures. Meanwhile, the Clausewitzians still consider chaos and fog as a humankind consequence and, thus, impossible to be solved by new technologies.

How these three views have influenced the implementation of the joint concept? The first one, the Strategic Pluralism has favoured the so-called inter-Services ***integration*** method. That is about the combination of the unique capabilities of each Service in order to creating a joint, high-value capability. In fact, this was and still is the focus of the American Doctrine (Goldwater-Nichols Act) and it is supposed to have many advocates in the US and UK's Army and Navy. The integration concept refers to the growth of a military joint force's total warfighting effectiveness through mixing the unique specialised capabilities of each component/element. This could be realised by:

a. Specialisation – means that each Service maintains the role and missions, using the best elements to build up a new joint force, mission tailored, when it is necessary. This way has the advantage of preserving already existing customs, organisation, norms and discipline of each Service. With other words, it realises a very powerful moral component, capable of controlling and sustaining each Service's responsibilities and operating procedures, both independently and joint. The interrelationship between the Force's components/elements is realised through separate Lines of Operations (LoOs), difficult to overlap, but with a mutually reinforcement possibility. Those lines are called ***geographical LoOs***.[3]

b. Synergy – sustains the idea that the joint capabilities' effects of multiple components/elements of a joint force are stronger than the sum of each component/element's capability, even if they act jointly.

$$1 + 1 = 2 +$$

That means a greater effectiveness could be achieved by a joint force through combining all effects of its components/elements in solving a conflict/crises than by involving the best elements of it. Even if each Service were enough trained and prepare to fulfil the entire spectrum of conflicts, only acting jointly and combining the components/elements' total effects, would be achieve the desired end-state. This is made through the same Line of Operation, called ***functional LoOs***.

Followers of both strategic monism and technophobia have influenced the second method of creating joint capabilities, namely ***unity***, well supported by US Air Force and RAF. The concept imposes the unification or re-subordination of all Services' dominant capabilities to build up a distinct joint military force. This method's aim is to realise the centralised control and realise such technologically advanced military force capable of leading to a new doctrine and organisation (RMA). There are some critics against such method because it does not take into consideration the historical rivalries between Services and because the technology is not a substitute for professionalism, or very well-trained military professionals.[4]

Military speaking, the joint operations concept demonstrated its effect during the Second Gulf War. The integrated effect of all Services led to the achievement of a new ***blitzkrieg***-like effect. This is true for the war itself. But what about Iraq now? Could a joint military force face terrorism?

Let us see what was happening till now. First Joint Force HQs were established (both in NATO and in some Member countries). It has appeared the first NATO Reaction Force (NRF – a joint force at tactical level/see fig.2), force that will be operational in 2006 only. It has been drawn the Joint Doctrine and some doctrinal concepts regarding campaigns and major operations.

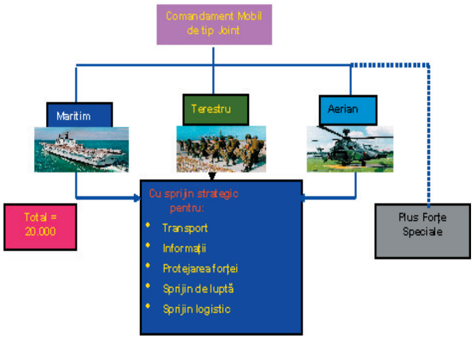

Figure no 2. Organisation of a NATO Response Force (NRF).

What have been happening in Romania since the inception of transformation? Speaking about Joint Force HQs, there were established ***J*** departments inside the General Staff and the 2nd Joint Operational Command (at Army Corps level). In fact, we had additional two such Joint Operational Commands (but at Div. level), which were dismounted because of the impossibility to conduct joint operations. Furthermore, those HQs did not have deployable capabilities inside and, thus, could not be deployed into a Theatre of Operation (TOA). They had not adequate C2 equipment (communications and logistics) to lead all components of a joint force. It was developed a Doctrine for Joint Operations (2001), but with little emphasis on recent Armed Forces' transformation. In fact, for the future, the philosophical question for what we need firstly (technology, doctrine, or organisation) remains still valid. The last, but not the least, it was created, with the UK support, an ***'Advanced Joint Operations Staff Officer Course'*** inside the PfP Regional Training Centre to prepare Romanian and EAPC officers and their civilian equivalents for future appointments in NATO HQs. The other elements of jointness (creation of a **joint military force**, capable of conducting **joint operations**, led by **Joint Force Commanders** and **prepared jointly**, with an **interoperable technology** and **joint attitude**) are still not developed or financially sustained.

Instead of maintaining more Services' elements, prepared to spend, without sharing any constant, but limited resources, we have to create a unique military force, totally new, joint, built to annihilate any duplication of efforts and maximise the entire capabilities. Let us take the NRF for example. In fact, we have two possibilities - either to create specialised elements of a NATO or EU joint force (e.q. the transformation of the NBC Training Centre from Câmpulung Muscel into an Centre of Excellence, which could be national or multinational, because the role of NBC forces will increase in the future), or to prepare a joint force (like NRF) by our own. For both alternatives the financial aspect would be terrible. But still we have to make a decision…

NOTES:

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THE NATURE AND PERSPECTIVES OF THE TRANSATLANTIC RIFT

Lieutenant-commander Alfred VASILESCU

MOTTO:

"The future of the West depends in large parts on the unity of the West."[1]

In geopolitical perspective we assist today at two main geopolitical actions: ***evolutions regarding transatlantic rift*** and a***n enlargement process*** for establishing the new border between the big powers areas of influence in Wider Black Sea Area and in Greater Middle East. Thus, to analyze one of these two major issues represents, at the same time, a challenge and a great opportunity for any researcher.

The war in Iraq and the debate upon it, before it started, was the main point of disagreement between two sides of Atlantic. The world was divided in its approach on how to disarm Iraq. This wasn't the first problem for the Alliance, chronologically speaking, but it was the most severe one.

The main "historical" tensions after the Washington Treaty creation were: disagreements over the NATO and European defense community, in 1950; disputes regarding Suez Canal, in 1956; French withdrawal from the Alliance, in 1966; the issue of Finlandization in 1970s, or the problems about Strategic Defense Initiative in 1980s. It is important to know that all these disagreements were applied only to discussion within the political elite circles, or on the popular level mobilized hostility towards the US, largely left of the center, but it never had constituted a real threat for the solidity of NATO, like nowadays evolutions.

The division emerged between the two sides of the Atlantic over the US' decision to use preemptive strike against Iraq. Moreover, Europe did not have a coherent attitude, a unique voice, towards the issue. The so-called "New European" countries supported US contrary to the attitudes of the so-called "Old European" countries. That perception has created a supplementary complication.

The transatlantic division must be stopped, because Americans and Europeans still share many interests and values to make continued cooperation possible, they are interested in preservation of open market economies, geopolitical stability, and harmonious relations with major world powers. They face the same threat of international terrorism, to limit the spread of weapons of mass destruction, cross-border crime, environmental collapse, and dangerous diseases. All those countries believe in democracy, the rule of law and human rights, they have a common history and culture consolidated by treaties and membership of international organizations.

The Nature Of Transatlantic Gap

Before 9/11 it seemed absurd to talk about a possible rift between United States and Europe, because they shared the same values. After that crucial event, the US used military power to transform an unacceptable international status quo, and Europe has embraced a new form of political organization that stresses diplomacy, negotiation and accommodation[2]. This tendency was strongly confirmed by the events during the Iraqi war.

Now, European states and US have different perceptions of present threats, disagreements if the war is necessary, the legal conditions in which modern wars may be launched, especially in preventive conflicts[3]. This creates a big distance between military and political credibility, especially for Americans.

In order to understand the dimension and the complexity of this new international political environment it is useful to analyze the nature and specificity of the transatlantic rift and to see how many kinds of rifts we are talking about in fact.

According to some American authors[4], NATO currently suffers from at least eight different "gaps": spending; military technology/capabilities; research and development (R&D); military vs. political ambitions; interoperability; risk/threat perception; strategic consensus; preferred solutions. But transatlantic rift means much more than that! It encompasses not only political and military, budgetary and technologically aspects, but incongruence related to axiology, legal field, and general economic area, particular national interests, public opinion support or cultural systems.

Legal and Institutional Aspects

"The principal cause of the crisis undoubtedly has been the failure of the United Nations to ensure a global system of collective security-the intended centerpiece of multilateralism-to deal with conflicts and threats that have emerged in the 1990s and into the twenty-first century."[5], sustains Joachim Krause. Cases of incompetence, overspending, and inertia, the principles such us "one state, one vote" or "equal regional distribution" have been identified as significant impediments to the efficiency of international organizations. In this respect all US administrations since 1960s have complained about these deficiencies of multilateralism[6]. It is a fact that the Americans are not satisfied with the actual international framework in which they try to impose their foreign policy. This framework is considered obsolete, too restrictive to be efficient, and non- representative for the American ambitions and possibilities. The lack of historical patience claimed by the Europeans, deter US administrations from forcing the international law to adapt to their needs until the international institutional system is reshaped. This happened at formal level.

At contempt level, the gap envisaged aspects like: the nature of threat, the opportunity and the legitimacy of the use of force, WMD existence like a mobile for starting war, the morality and legality of the preemptive strikes, and even in punctual issues such as assistance of Turkey.

In the opinion of Americans, after the operation in Kosovo demonstrates the inefficiency of NATO structures, the best solution for the future is for US to act alone. This military option creates in Europe the feeling that US commitment for Europe Security becomes very questionable, and the famous Article 5 from Washington Treaty is inapplicable and obsolete within nowadays political reality. Like a step ahead, "Coalition of willing" who acts in Iraq has eliminated the need for formal structures such as the UN. American hopes that "Multilateralism a la cárte" will replace for good "multilateralism a la chárte"[7].

As a result, the entire international political system has to be reviewed and upgraded, in order to build a new proportion between unilateralism and multilateralism, between efficiency and legitimacy, between use of hard power and soft power.

National Interest

The legal and institutional aspects of the rift are highly connected by the national interests of European states and US, supported in theory from two antagonistic approaches in international politics: multilateralism versus unilateralism.

Christopher Coker made a study regarding the relation between the European tendencies for multilateralism beside the American need to be a central player who leads an effective and pragmatic international institutional system. He stressed that Europe can't force U.S. to participate in multilateral institutions if these institutions do not serve US interests and if they are not based on "effective multilateralism", Europe must understand that the responsibilities have to be correctly shared in order not to frustrate US, and on the other hand, that some international organizations are not prepared for nowadays global problems, like terrorism, organized crime and state building[8].

Today, two tendencies emerge in Europe. The first, embodied by London, accepts the principle of a univocal world, and tries to take profit of it. The other, embodied by Paris, places itself at the heart of the resistance, and the defence of multipolarity, or as some pragmatic experts view it, "oligopolar ity"[9].

The rift is not only a binary US-EU problem, because in this moment we have, in fact, on one hand, two Americas (a deep America, unilateralist, isolationist, nationalist, clericalist and a cosmopolite America, multilateralistic, universalistic, rationalist, pragmatic) and on the other hand, we see two Europes (one hard "Europeanist" core formed by France, German, Belgium and Luxemburg, and one "Atlanticist" team with UK, Portugal, Netherlands, Italy, Poland and other members of the "New Europe")[10]. This is a strong reason for not simplifying the problem with an inappropriate reductionism, and to think carefully of the nuances.

It is true that Europe doesn't speak with a unitary voice in the international arena, but more than that, the European states have different agendas. "The problem in Europe is that no government is thinking about the continent's contribution to global order, or attempting to define shared European interests in promoting a stronger framework for that order. There is, therefore, no basis for a constructive transatlantic dialogue. Washington policy-makers see no reason to listen, and European governments have nothing to say"[11].

Nevertheless, the gap is also a problem of different perceptions. US nationalistic perspective is: "we are under attack" but Europe hasn't declared war to anybody after 9/11. Europe is concentrated more on its own domestic matters, such as enlargement of the Union and the consolidation (reformation) of its institutions instead of US who is more oriented toward Asia, Middle East and Latin America[12].

Americans feel that they are at war. They feel vulnerable. They want to destroy the enemy before the enemy destroys them. Europeans may find that kind of thinking naive and simplistic, but they can't wish it away. What Americans don't understand is that Europeans have been fighting terrorism for decades. The British coped with IRA bombs exploding in the centre of London; the French lived with bombs in the Metro and assassins in the streets; the Italians lived with Red Brigades that blew up train stations; the Spaniards continue to face regular bombings by Basque terrorists. The Europeans don't need to be lectured to by Americans about how fighting terrorism is a long and bloody war; they've lived it[13].

Americans also fail to understand how vulnerable Europeans feel because of their own growing Muslim populations. It's easy for America, across the ocean, to talk about bombing Iraq and Iran. But Europeans worry they will be caught in the fallout. David Ignatius describes the situation: "The biggest undiscussed issue in Europe is the millions of Muslims living in France, Britain, Germany and other countries. They are a brooding, menacing presence for many Europeans"[14].

Moreover, not just one of the two parts involved in transatlantic link has its reason to maintain the gap, but this strategical split is also supported by Arabic states, which encourage Europe to have an active role in the Middle East, and by Russia, who privileges a "vodka-cola" alliance with US above the Europeans head. Things are seen differently by Israel, a huge supporter of the unity of the Western World.

Finally, some political annalists perceive the transatlantic disconnect more as a particular result of the policies of Bush II administration, tendency that will disappear after the end of Bush III mandate. Other political observers are more pessimistic when they assert that unilateralism will be a constant national policy for US from now on.

Economical Aspects

The economic gap between Europe and US is a part of the global transatlantic rift. It has historical roots and sometimes it constitutes a strong argument for disconnecting. One of the justifications for American unilateralism has been the sustained growth of the US economy throughout the 1990s, while Europe's regional growth was held back by German recession and by resistance to deregulation in France and Italy.

During last years, but especially after Iraqi war began, trade deficit and budget deficit, are consolidated by the USD/euro/yen rate, which conduct to a decrease in European states exports, because of a very low level of USD in the last year, situation artificially maintained by US Central Bank.

Additionally, average European defense budgets gradually fell below 2 percent of GDP. Regarding military budgeting, NATO costs a lot to the American taxpayer, whereas the Europeans do not contribute enough. Many Congressmen in Washington, who consider that the Atlantic Alliance is a luxury, a little like the United Nations, that the US could avoid, defend this argument[15].

The EU-US confrontation manifested on many aspects, such as: in Doha round, over genetically modified organisms (GMO's) or over Kyoto accords.

Sometime US seem to prefer Europe to remain just an economic club and no more than that! The economic relations may affect the political dimension of the transatlantic partnership, but could become also the main engine for rebuilding a powerful transatlantic alliance.

Military Balance

Europe lost its strategic centrality after the Cold War ended. This situation combined with the huge change in US foreign affairs vision and policies after 9/11 provides a totally different development for transatlantic link and reshapes US interest around the world.

Realizing maybe too late this strategic evolution, Europe makes efforts, at least at formal level, to fill the gap in the military field and to adapt its military forces to the requirements of the new type of war. According to Prague Capabilities Commitment, the Alliance has to create a NATO Response Force (NRF), technologically advanced, flexible, deployable, interoperable and sustainable, fully operational in October 2006, a new Command structure, more efficient, effective and deployable, new military capabilities in areas such as chemical, biological, radiological and nuclear defense, intelligence, surveillance, strategic air and sea lift, etc.

EU has included in its constitutive second pillar an "European Security and Defense Policy"(CSDP according with the draft of the Constitutional Treaty), like a strong step on a Common Foreign and Security Policy, having the role to get European capabilities closer to US and to speak with a unique voice in the international concert. ESDP has already some strong points: it shows European willingness to fill the gap; a set of concrete elements exists (PSC, EU MC, EU MS, RRF); Europe has experience in PSO (Concordia, Artemis operations) and the development within NATO is not to be neglected (see Berlin Plus Arrangements). Moreover, EU shapes a new "European Armaments, Research and Military Capabilities Agency, and assumes new responsibilities such as ALTEEA Mission and Cooperation with NATO Battle Groups.

There are several differences between America and Europe in military field. Some are strategical. For instance, the perception of threats is very different in US where the most important risks for national security are considered the proliferation of WMD, terrorism, and rogue states, and in Europe where the main challenges are so called "problems without passports": ethnic conflict, migration, organized crime, poverty and environmental degradation[16].

Some gaps are at operational level, because, for the moment, "America is the only power in the world that can wage a successful military operation anywhere (but he can stabilize these areas only together with the Europeans.)"[17]. Afghanistan and Iraq have demonstrated that the United States and Europe need the capacity to intervene militarily beyond their borders both to deter new threats and to respond to them. They also need competence in long-term peacekeeping to aid in the democratic reconstruction of these countries. Tackling these jobs beyond Europe should be a core new mission of NATO[18].

Finally, some military aspects regard technological issues, problems related to development and research. America implements today the Revolution in Military Affairs. NATO and European states are much behind in redefining and readapting their capabilities to the new military realities and to the new characteristics in the war of 21st century.

Moreover, US is acting unitary, but NATO, like Euro-Atlantic "bridge" organization, has a number of supplementary major problems to solve: East – West relation, the integration of the new members, budgetary problems with some members, management of NATO-EU problem and Turkish issue.

The Impact of the Public Opinion

The gap among public opinion is huge on both shores of the Atlantic. The large majority of Europeans (58%) considers undesirable US involvement as a superpower in the world policy and 76% disapprove George W. Bush Foreign Policy - with the exception of UK and Netherlands citizens. But 79% of the Americans support an important EU global role.[19]

80% European citizens do not consider that the war from Iraq deserves the loss of human lives and the financial costs.[20]

73% Europeans and 49% Americans think that Iraqi war has increased the risk of terrorist attacks around the world.[21]

European intellectuals, such as Jürgen Habermas and Jacques Derrida, see in the antiwar demonstrations the emergence of a European civil society that chooses to define itself negatively against the United States. It is unfortunate that Europeans have not chosen to define themselves positively in the name of a clear project from Europe.[22]

In spite of this appreciation, basically, western country's public opinion supports a strong transatlantic connection for the future.

The concern about loosing historical traditions, values and cultural affectivity among American and European citizens, that could negatively influence a cooperative foreign policy, is correlated on medium term with the decreasing of Europeans families' number who will live in the US. (Table 1).

TABLE 1: Origin of American citizens (1980-2050)

Year	Europe	Africa	Asia	Latin America
1980	*80%*	*11%*	*2%*	*6%*
2000	*72%*	*12%*	*4%*	*11%*
2020	*64%*	*12%*	*7%*	*16%*
2050	*56%*	*14%*	*9%*	*22%*

Source: US Bureau of Census, Statistical Abstract of the United States: 1994 (Washington DC, 1994, p. 18)

We could easily observe a tendency in the decrease of "European originated" American citizens during the next 50 years, which may erode much more the traditional transatlantic link.[23]

Cultural Differences

One of the reasons for persistence of transatlantic rift is the messianic, idealistic believe of Americans in their unique destiny to change and lead the world, by themselves. In this neo-conservator vision of double standard, Europe hasn't any role.

If Americans want to improve the course, they have to change the "Leninist" US perception that "he who is not with us is against us" including in the relations with some Europeans countries.

The United States' tendency to use Europe's past against Europe's present is another step to create distance.

Americans and Europeans no longer share a common strategic culture. In Robert Kagan view, The European caricature at its most extreme depicts an America dominated by "culture of death"…the natural product of a violent society where every man has a gun and the death penalty reigns."[24] Much more than that, "Americans generally favour policies of coercion rather than persuasion, emphasizing punitive sanctions over inducements to better behaviour, the stick over the carrot."[25]

Europeans approach problems with greater nuance and sophistication, "they generally favor peaceful responses to problems, preferring negotiation, diplomacy, and persuasion to coercion[26]". Moreover, "Americans are idealists, but they have no experience in promoting ideals successfully without power" and "they have no experience of successful supranational governance[27]".

Sometimes, Americans apply Hobbesian rules, violating European norms and political behavior. According to an inspired metaphor, "Americans are from Mars and Europeans are from Venus", because firsts are manly, virile, potent, and prefer to use military power, but second are hence feminine, weak and beautiful, "object of history rather than its active agent", and their perspective favors law[28].

But, like Javier Solana said, "law and power are two sides of the same coin. Power is needed to establish law and law is the legitimate face of power[29]".

Another researcher, Klaus Larres emphasise that the gaps in power and values between Europe and US are strong in four areas: religion; pacifism and international morality; patriotism and nationalism; and the use of force in international affairs[30].

All these differences and disagreements could evolve in various directions in accordance with the political interest and political will of the main international actors. That is why it is necessary to shape the most probable trends of this relation.

The Future of the Transatlantic Gap

The Iraqi crises reconfirmed the hegemonic position of the US within the international relations system. Related to the EU, the diplomatic conflict and the Iraqi war revealed the weakness of the European institution, the separation between states on this subject being given. Between US and European states there was a powerful conflict, which pursued the balance of power in the world and it is an attempt to break the American hegemony, including the promise of an enhanced economic cooperation on the Paris- Berlin- Moscow axis[31].

Gerard Dussouy analyzes the security patterns of the political future through the perspective of three geopolitical scenarios:

- The dominant perspective of a harmonious order of world business, based on an universally spread democracy, despite of cultural specificity, and on a new form of transnational capitalism, "the new economy", under a Pax Democratica;

- The hegemonic homogenization pattern, encompassing the resurrection of laical or clerical nationalisms, the fact that the difference between the US and EU will be considerable and a Pax Americana will prevail;

- The antagonist heterogeneous pattern or disorder that emerged in a very uncertain world.[32]

There are many specialists in international relations field even with optimistic views or pessimistic beliefs concerning the evolution of the transatlantic link. The actual reality of transatlantic rift is just an ambiguous, transitory stage that can't last too much. That is why we could take into consideration only two trends: a negative one, that will lead through a concurrency relation between EU and US, to a degradation of the old connections, and to the definitive break of the Western World, and a positive scenario in which the present animosities are overpasses and a new cooperation era will emerge.

The negative trend could develop if some events are going to happen.

"The worst-case scenario would be for America's West to turn into an oversized Prussia - bullying, brooding, and obsessed with military might - and Europe's West into an oversized Switzerland - selfish and parochial, wrapped in neutrality."[33], said Dominique Moisi.

The evolution of a new kind of Trans-nationalism, which proclaims "Europe for Europeans', having a very obscure fundament for this kind of "Negative Federators", who prefer an alliance against something and not a proactive one, for something, could be another bad point.

The realistic revival of US Foreign Policy under neo-conservative Bush III administration could enlarge the transatlantic gap in the next four years.

Many unfavorable events may occur on the European shore of the Atlantic. The battle within European states regarding the UN reforms could erode the continental stability. For example, Rome wants a permanent seat for the EU, rather than for Germany, occupied by rotation.

Mr. Blair's efforts to create an inner group of France, Germany and Britain have caused great unhappiness in Rome. All these internal conflicts may affect the capacity of Europe to build a strong unified structure.

Moreover, it would be "a complete disaster" if any member state of Europe were to fail to ratify the new constitutional treaty.[34]

The positive trend could be in place if EU and US try to accomplish some requirements.

First of all, Europe and US have to remain partners whatever happened, into a common alliance like NATO.[35]

More than that, it is necessary and desirable for both to develop the institutional ties across the Atlantic, "…including negotiation of a European-American free trade agreement and creation of a North Atlantic economic organization as a counterpart to NATO."[36]

Third, it is useful for Euro Atlantic countries to support the transformation of the United Nations Organization on the new basis, more effective and more responsible.

Step by Step Solutions

A new common strategy for rebuilding the transatlantic link could have some aspects:[37]

- To implement this policy first in Afghanistan, to support the new Afghani government and to defeat the talibans and Al Qaida forces.
- The second area in which US and Europe need to work together to help the region modernize is in Arab-Israeli conflict, especially after Arafat death and during the competition for his succession.
- To promote the change in Greater Middle East, especially to help the process of regime change in Iran. A "physical European presence in the Middle East in terms of troops and money"[38] is necessary.
- US and Europe have to promote change also among their friends and allies, in regions like Egypt and Saudi Arabia.

The US needs to accept a greater role for the UN in Iraq, and to be more even-handed in its Middle East diplomacy. Instead, the Europeans need to enhance the military and diplomatic capabilities, and to stabilize the arc of instability that runs around the EU's eastern and southern flank. The Europeans and Americans should work out together a common approach to Iran, to stop supporting terrorist groups and to abandon its plan to develop nuclear weapons.

The Europeans need to wake up to the threat of WMD and accept that, and Americans need to accept that too, arms control treaties serve a purpose, and sign up to some of those they have shunned. Supplementary, they need to accept that military intervention requires legitimacy from the UN or some other international body.

In the addition it is important to try to approach Britain and France positions on how to deal with US, how to build a stronger Europe, capable to act autonomously and to say no the US on matters of vital importance.[39]

Donna Urschel identified in the same manner four steps to mend the rift:

- First, remove personality battles from politics. Personality clashes should be conducted behind the scenes and not in public.

- Second, continue co-operation in practical matters, such as trade and intelligence.

- Third, continue military and political cooperation. The United States should ask Europeans for help in Iraq, as the Germans and Dutch are helping in Afghanistan.

- Fourth, work together concerning the emerging nuclear proliferation threats of Iran and North Korea, and cooperate in solving the Israel-Palestine problem.[40]

"No nation can build a safer, better world alone" is written in the National Security Strategy of the United States. This seems to be a forgotten truth, first of all for the Americans, in some European opinion.

The most important decision that has to be made during next years, if the decision-makers of this world desire to bury the transatlantic rift, is to answer, using a similarly logic, an equivalent morale and a maximum sincerity, to one question: "What NATO wants: To protect the future or to defend the past? ".[41] The orientation of this effort will provide the real picture for the world of tomorrow.

NOTES:

1 Samuel P. HUNTINGTON, "*The West Unique, Not Universal*", Foreign Affairs; Nov/Dec 1996; 75, 6; Research Library, p.43.

2 Robert KAGAN, "A*merica's Crisis of Legitimacy*", Foreign Affairs, Mar/Apr 2004.

3 "American global military credibility has never been higher, yet American global political credibility has never been lower", in Zbigniew BRZEZINSKI, "*Where Do We Go from Here?*" in http://www.newamericanstrategies.org/transcripts/Brzezinski.asp.

4 Peter FABER, "*How to Use Military Power: Competing Theories for the 21st Century*", Conference in NATO Study Center, Bucharest, September 20, 2004.

5 Joachim KRAUSE, "*Multilateralism: Behind European Views*", The Washington Quarterly, Spring, 2004, p.43.

6 Idem.

7 Shashi THAROOR, "*Why America Still Needs the United Nations?*", Foreign Affairs, Sep/Oct 2003.

8 Christopher COKER, "*Empires in Conflict: The Growing Rift between Europe and the United States*", Royal United Services Institute for Defence and Security Studies, Whitehall Papers nr. 58, May 2003.

9 Barthélémy COURMONT, http://www.dias-online.org/a26.shtml.

10 Adrian SEVERIN, "*Meaning of 2/11*", in ZIUA, 9.11.2004, p. 6.

11 This argument is part of an article which has been published in the May 2003 issue of The World Today, published by the Royal Institute of International Affairs at Chatham House, http://observer.guardian.co.uk/worldview/story/0,11581,942737,00.html

12 Daniel BIRO, "*Transatlantic Relations: How Useful is the Mars-Venus Metaphor?*", in Strategic Issues Review, NATO Studies Center, Bucharest, July, 2003.

13 David IGNATIUS, "*The Transatlantic Rift is Getting Serious*", Washington Post, February 2002, p. A33.

14 Idem.

15 Barthélémy COURMONT, *op. cit.*

16 Steven EVERTS, quoted in Robert KAGAN, "P*ower and Weakness*", Policy Review, 113, June/July, 2003.

17 Zbigniew BRZEZINSKI, *op. cit.*

18 Ronald D. ASMUS, "*Rebuilding the Atlantic Alliance*", Foreign Affairs, Sep/Oct 2003, vol.82, Issue 5.

19 ***,"Transatlantic Trends/2004", in ZIUA, 10.09.2004, p.7.

20 Idem.

21 Idem.

22 Dominique MOISI, "*Reinventing the West*", Foreign Affairs, Nov/Dec 2003.

23 Barthélémy COURMONT, *op. cit.*

24 Robert KAGAN, *op. cit.*

25 Idem.

26 Idem.

27 Idem.

28 Michael COX, "*Kagan's world: Martians and Venusians in the New world Order*", International Affairs, vol. 79, Issue3/May 2003, pp. 523-532.

29 Javier SOLANA, "*Mars and Venus reconciled: A new era for transatlantic relations*", Albert H. Gordon lecture at the Kennedy School of Government Harvard University, 7 April 2003, p.7

30 Supplementary, Larres identified other important differences: "I believe there exists a deep culture clash, a vigorous conflict of fundamental political values, and a profound mutual lack of understanding between the

foreign-policy approach of the United States and many European countries", in Klaus LARRES, in ibid.

31 Constantin HLIHOR, Dragos NACUTA, "*The Iraq War and the World Security Architecture*", in Euro-Atlantic Studies, nr.6/2003, University of Bucharest, Centre for Euro-Atlantic Studies, pp.107-121.

32 Constantin HLIHOR, Dragos NACUTA, in ibid, citing Gerard DUSSOUY, "Quelle geopolitique au XXI siecle", Edition Complexe, 2001.

33 Dominique MOISI, "*Reinventing the West*", Foreign Affairs, Nov/Dec 2003.

34 Franco FRATTINI, former Italy's foreign minister, member in European Commission, in Quentin PEEL, "*Italy's transatlantic balancing act*", Financial Times, 10.14.2004.

35 "Partners form alliances not because they are friends, or because they have common values, but because they fear someone else more than they fear each other" in Benjamin SCHWARZ and Christopher LAYNE, "*A New Grand Strategy*", The Atlantic Online, January 2002.

36 Samuel P. HUNTINGTON, "T*he West Unique, Not Universal*", Foreign Affairs; Nov/Dec 1996; 75, 6; Research Library, p.44.

37 Ronald D. ASMUS and Kenneth M. POLLACK, "*The New Transatlantic Project*", Policy Review, 115, Oct/Nov 2002.

38 Zbigniew Brzezinski, *op. cit.*

39 Charles GRANT, "*Transatlantic chill: how to bring the two sides together*", in Centre for European Reform Publication.

40 Klaus LARRES, "*Downward Course: European-American Relations from the 1970s to the Present*", lecture in the Henry Alfred Kissinger Scholar in Foreign Policy and International Relations, June 23. 2003, presented by Donna URSCHEL in "Scholar Says Transatlantic Rift Can Be Repaired", in http://www.loc.gov/loc/kluge/gaz-larres.html, reprinted from The Gazette, July 25, 2003.

40 Peter FABER, "*How to Use Military Power: Competing Theories for the 21st Century*", Conference in NATO Study Center, Bucharest, September 20. 2002.

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12. DAALDER, Ivo H., *Are the United States and Europe heading for divorce?*, International Affairs, vol.77, no.3, p. 565.
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FEW COMMENTS ABOUT THE PLACE AND THE ROLE OF THE EU COUNCIL OF MINISTERS IN THE CONSTITUTIONALIST STAGE

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1. The place of the Council of Ministers in the constitutional system of the European Union, from the perspective of the European Constitution

The disposals of 2000/ Nice Treaty are maintained by the art. 22/ Constitutional Draft, illustrating a moderate vision of the European politicians in establishing the institutional schema of the Union. Need of reform doesn't seems, from this perspective, so striking in order to justify for the European Parliament the preeminent role within a potential super state or a federation based on the European representative democracy. The Council of Ministers, as an institution defending the interest of states in the EU system is not replaced from a leadership de facto of this institutional system[1]. The Nice variant is expanded also to the European Constitutional Draft that is not giving to the European Parliament, in an exclusive manner, a type and a field of competence similar with the competences belonging to the national parliaments.

It is thus maintained the formula of the "decisional institutional couple" (Council and Parliament)[2], as a true aspect of the complex way of functioning of the European institutions; this way cannot be assimilated with a federative functioning- which is based on a hierarchy well delimitated from the point of view of the attributions fulfilled by the federal organs.

Art. 22 / European Constitution is continuing to give common competences to the two European institutions: the Council and the Parliament; this is, in fact, the rule established by the Nice treaty and stipulated to be implemented even from the Amsterdam stage. Common competences – by this phrase being understood those competences exerted jointly by the Parliament with the Council - are regarding specific fields as: elaborating laws; exercising budgetary function; taking political decision; coordination. Thus, the two institutions will have, each of them, only the functions given by the Constitution, without referring to the attributions and the functions given by the Communitarian treaties. From the moment when this variant of Constitution will come into force, the two European institutions will be endowed, practically, with the true political power in Union, representing a legislative couple[3] that cannot be assimilated neither to one belonging to a classical federation, nor to one characterizing an international organization; this couple can be perceived as an original treat of an European super state about to be created. This is happening because the whole institutional system of the Union becomes one superior to the states, becomes in fact, "unional" through the elaboration of "European laws" and through the progressive formation of a legal supranational order having the European citizens as direct beneficiaries.

The composition of the Council of Ministers, in the D'Estaing Constitution variant, is remaining one established by the Communitarian treaties: one representative from each member state, at ministerial level. Regarding the decision-making process within the Council, the federal rule of qualified majority is consecrated by the Constitutional disposal, for much more efficiency and also, in order to avoid blocking the process due to some misunderstandings between states.

The title V, regarding the exercise of unional competences, chapter I, art. 32 / Constitutional Draft, has as object to establish a legal statute for the legal acts of the Union. It is also, a chapter referring implicitly to the place of these two unional institutions, in elaborating legal acts. Thus, it is consecrated a distinction between non-legislative acts and legislatives acts – this last category concerning the European laws and the European framework laws -, that will be elaborated together by the Council and by Parliament, in an ordinary legislative proceedings. It is imperative for this type of acts to be adopted both by the two European institutions, because, as an implicit evidence of the legislative power of the Parliament, if they do not reach to an agreement regarding the elaboration of such an act, it cannot be adopted.

For special cases stipulated by the Constitution, the European laws and European frame-work–laws will be adopted either by the European Parliament with the participation of the Council, either inversely, in conformity with special legislative proceedings. This disposal of the art. 33, align. 2 is revealing the fact that is not treating about identical attributions – even in the case of European legislative acts – for the Council and for the Parliament; that it is a certain degree of involvement (such as adopting European laws by the Parliament, which has, in this case, the main role; the Council is limiting itself to a secondary role of participation, inclusively to the consultations. The Constitution doesn't specify what role is reserved to the Council in this situation, nor what content has such a special legislative proceedings, neither what are the fields of application for the art. 33, align. 2.

Art. 34 is referring to a second type of legal unional acts, such as European Regulations and the European Decisions – that are not legislative acts -, where European Parliament is not competent to adopt such acts[4]. In order to compensate this situation, it is produced an opening of the non-legislative sphere, leading to the possibility that other unional institutions like the Commission, the European Council, the Council of Ministers or the Central European Bank may adopt such acts (that are administrative acts, in our opinion), as acts of application of the European laws, for the cases specified by the Constitution.

From the perspective of the art. 34, it is interesting to see the absence of the European Parliament – that must be considered an original political institution, by comparison with similar institutions of the states or of the international organizations – for example, with the Parliamentary Assembly of the Council of Europe. This absence of competence for the EU Parliament in the field of elaborating non- legislative acts is due to the fact that, despite the original character of this integrationist entity without historical forerunner like the EU-, the constitutionalist stage is considering the Parliament only as a European legislative authority.

So, it is logical that the Parliament can elaborate European laws but not European Regulations or Decisions – that can be elaborated by the Council, as an unique institution endowed with important legislative and executive functions. Otherwise said, by analyzing the spirit and the letter of the art. 33 and the art. 34/ Constitutional Draft, is resulting that, despite the originality of the two institutions, the Parliament is treated as a legislative normal, even as a national institution, that cannot adopt non-legislative acts. In the same time, the Council – as the other legislative authority of the Union – has no obstacle in adopting both legislative and non-legislative acts.

The result is that the Council can be considered as the real owner of the legislative function (lato sensu, as the legal capacity to edict at the European level, both legislative as non-legislative acts, in the sense that it is an institution not perceived as similar with a national Parliament , nor with a normal legislative institution, and that, due to this fact, can be considered an original, a-typical legislative institution).

By the two articles, the Council is becoming the single institution that has the real possession of a traditional parliamentary function; the association with the Parliament for adopting legislative acts is in fact, a diminution of the Parliament natural role in a field which has belonged to it by its traditional functions associated with the political concept of "Parliament".

In the art. 33, the Parliament is only associated; it doesn't have the monopoly of adopting European legislative acts. As a consequence of this fact, it is not recognized to the European Parliament the possibility to exert integrally a function that is normally a parliamentarian one. In art. 34, the Parliament is completely eliminated (under the pretext that the acts that must be adopted have not a legislative nature), without taking into account that EU Parliament is not (by its original role within an original entity as EU) a parliament based on the pattern of a national parliament[5].

2. Maintaining the preeminent position of the Council of Ministers, from the perspective of a new European institution: the Unional Ministry of Foreign Affairs

In the chapter II, art. 39 regarding the FPCS (Foreign Policy and Common Security)/ Constitutional Draft, it is created another couple from which, as always, the Council of Ministers cannot be excluded; thus, it will exert its competences together with European Council, by adopting necessary decisions at the European level. This cooperation with an exclusive interstate nature is counter-balanced by a new, supranational institution created by constitution: the Unional Ministry of Foreign Affairs, which will have the mission to put in practice, together with the member states, the decision of the two unional institutions having an interstate character.

Through Constitution it is established a triple interstate dimension for the Foreign Affairs and Common Security field; the role of the European Parliament is reducing to a simple consultation, to a political opinion without compulsory value for the two Councils. Besides, the Parliament will only be kept informed over the evolution of the main directions in such matter. Moreover, it is maintained the monopoly of the states on the FPCS field – that has became an interstate dimension, not one of evolution towards the communitarian stage that should interest the Unional Ministry of Foreign Affairs as unional institution, for ex. –, by taking over the attribution of identification of strategic unional interests and to establish the objectives of FPCS. In fact, through the art. 39, FPCS is frozen to an unfinished level; its evolution towards the superior, unional level is stopped. In this matter, the states are continuing to adopt decisions, meaning that it is a field where sovereignty is not transferred to European Union.

In FPCS realm, the Union hasn't succeed through Constitutional formula, to create a European level of decision, to separate itself from the intergovernmental cooperation expressed even in art. 39, align. 5: "member states will mutually consult within the European Council and the Council of Ministers on any problem of foreign policy and security of general interest, in order to decide a common approach". Through the effect of this disposal, practically, FPCS is taken out of the control of the genuine unional institutions and put under direct control of the states.

In fact, European Council and the Council of Ministers aren't anymore regarded as unional institutions belonging to the distinct supranational European framework but as forms of interstate cooperation in which the integrationist purpose isn't mentioned and its meaning is loosing its importance. FPCS is a realm concerning the core of state sovereignty itself and it's related to a matter in which European integration is only in embryonic stage, through the creation of an Unional Ministry of Foreign Affairs.

In the future, this Ministry must be kept responsible before the European Parliament, in its quality of FPSC ministry, and not in quality of member of the European Commission –, because it is an institution independent from the Commission, and separately regulated, in art. 27.

As vice-president of the Commission, the EU Ministry of Foreign Affairs can engage his responsibility before the Parliament. But here it appears another problem: art. 26, align. 3 is conferring to the President of European Commission the power to appoint the vice-presidents from the members of the College. But art. 27 which is directly referring to the EU Ministry of Foreign Affairs, is also stipulating that he is appointed by the European Council, with the approval of the President of Commission. As a consequence, it is an accumulation of functions which is provoking confusion regarding the nature of the EU Ministry of Foreign Affairs institution, having effects at the level of the respect of separation between powers in the unional system.

As vice-president of the Commission, the EU Ministry of Foreign Affairs is engaging his responsibility jointly with the other members of the Commission, before the European Parliament, and not individually, because the framework - article 27 - doesn't contains any referrals about the role of the Parliament in this case, nor about the democratic limit of the exercise of this European Ministry attribution. The restriction in the exercise of his attribution is based on align. 2, art. 27 related to the mandate given by the Council of Ministers to the new ministry in this realm.

The true meaning of the art. 27 is that concerning the relative autonomy of the EU Ministry of Foreign Affairs in comparison with the Commission importance. Other way speaking, the states, through the European Council and the Council of Ministers (couple that we can find in art. 39 concerning FPCS) appoint and establish the attributions of this Ministry. The President of the Commission approves this appointment but, through the condition imposed by align. 3, art. 27, we can say that as Ministry, it will be appointed one person from the vice-presidents of the Commission (the vice-president being appointed initially by the Commission, according to art. 26, align. 3).

The EU Ministry of Foreign Affairs is in a middle of a paradox: he is twice appointed: first, as vice-president of the Commission, the Ministry will be appointed by the President of this institutions and submitted to the European Parliament vote of approval; secondly, the Ministry will be appointed as EU Ministry of Foreign Affairs, by the European Council and in this quality, he will not be submitted to the vote of approval of the Parliament.

In fact, even if the Ministry is representing a supranational function, he is under direct trusteeship of the couple controlling the FPCS field. The absence of any direct political control of the Parliament exerted over the Ministry is contributing to the augmentation of the unional democratic deficit.

The Ministry has a relative autonomy, because, as vice-president of the Commission, he can be forced to resign by the President of the Commission (art. 26), remaining a Ministry that cannot anymore exert the attributions concerning the foreign relations within the Commission. Art. 27 doesn't stipulate the modalities of retirement from this function of EU Ministry of Foreign Affairs, preserving the dilemma if this function can be retired by vote of Parliament, by vote of European Council (that has appointed him) or by vote of the Council of Ministers (that has given to him the mandate in the FPCS field). The ambiguity and the gaps of this constitutional draft are many, not allowing defining a simple and a clear structure of the definition concerning the relations between EU institutions.

3. Instead of conclusions

What is important when analyzing the role of the Council of ministers in the schema of the Constitutional Draft is to understand that this European institution is in the possession of many key- mechanisms of the institutional framework, representing thus, the main factor for the augmentation of the unional democratic deficit.

Normally, due to the European supranational nature of this institution, the appointment of the Ministry of Foreign Affairs must be approved by EU Parliament and not by the Commission. Secondly, the EU Ministry quality must be distinguished from those of vice-president of Commission, because the Commission isn't a government similar to a national one, nor this EU Ministry can be reduced to the dimension of a simple European Commissioner.

As unional institution, the EU Ministry of Foreign Affairs must be controlled by the Parliament, not by institutions representing the interests of the states. It is an aspect linked to the intergovernmental nature of FPCS, a matter in which the states are in the possession of political decision, and not the institutions representing the EU or the European citizens' interests, such the European Commission or the European Parliament.

NOTES:

1 Some authors see the Council of Ministers in the architecture of constitutionalist EU, replaced by a sort of collegial organ (similar to the Suisse Federal Council), in which the decisions should be adopted with unanimity and which insure the EU presidency. In this organ composed by 7-9 members, it should be represented not states, but various regions or geographic zones as Western Europe; Central and Eastern Europe. Cf. Victor DUCULESCU – "**Instituții de drept public și relații internaționale în dinamică**", Ed. Lumina Lex, Buc., 2002, p. 395. Through this type of representation, the unional organ should be transformed into a federal or supranational one – depending of other elements- but the representation will be no more of the states. These will be replaced, in this situation, with cultural or geographical regions, insuring implicitly for the Parliament, all the legislative competences on European level.

2 The decisional couple illustrates an adaptation of the Council and of the Parliament to the most complex legislative system of the world – the EU system, both institution developing sophisticated rules of governance for their internal organization, on the scrutiny modality, on amendments or adopting legislation, developing also complex strategies in order to maximize mutually their influence. Cf. Simon HIX – "**The Political System of the European Union**", Palgrave, 1999, pp. 62-63. As a

consequence, we are witnessing, beyond the apparent cooperation, to a genuine struggle of interest, to a battle in order to maintain a forced balance, a de facto equality between the two unional centers of power.

3 This couple becomes a particularity of the Union, tacking into account the tendency of the doctrine to identify every unional institution with a specific correspondent on the national level, and to find a distinction between them. So, the idea of the decisional couple is opposing to the idea of a Europe with a powerful Parliament, which can become the central point of the institutional framework and the core of the European democracy. See elements of the future European Constitution depicted by Victor DUCULESCU – **op. cit.**, pp. 392-395.

4 From the perspective of the Euro-deputies direct election, also from the considerable influence in the decision-making process, the European Parliament would be a genuine parliament. But, regarding the role of European Parliament and of national parliaments within the EU, as modalities of correcting the EU democratic deficit, there are strong debates. One is wishing to transform European Parliament into a federal or national institution, with the difference that it is realized at the European level. Others are interested in finding an optimal combination between European Parliament and national parliament's role within the European order. Cf. Torbjorn BERGMAN and Tapio ROUNIO, *Parliaments and policy-making in the European Union*, in "European Union. Power and policy-making", coord. Jeremy RICHARDSON, London and New York, Routledge, N.Y., 2001, p. 116.

5 Some authors are noticing a certain problem of credibility for the European Parliament that is the unique legislative international institution directly elected from the world; that it is the most democratic EU institution, but that is not sufficiently transparent, nor appreciated by European citizens as the national parliaments. Cf. John McCORMICK, **Understanding the European Union. A concise Introduction**, Palgrave, 2002, p. 105.

CONSTITUTION EUROPÉENNE ET INTÉGRATION DE LA ROUMANIE DANS L'UNION EUROPÉENNE. PROCÉDURES ET ENJEUX.

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Après plusieurs années de discussions et de controverses, le 18 juin 2004, le Conseil européen de Bruxelles a décidé l'adoption de la Constitution européenne. Âprement débattu et négocié, le texte de la Constitution a finalement fait l'objet de l'accord – plus ou moins ferme - des 25 participants, réunis dans cette formule pour la première fois après le dernier élargissement de l'Union Européenne, qui a vu le jour le premier mai de cette année. En raison des implications majeures que la Constitution suppose quant à l'avenir de l'Europe, autant au niveau pratique qu'au niveau symbolique, mais notamment à cause de l'extraordinaire – et en quelque sorte surprenante - mobilisation de la volonté politique dont les Etats membres ont fait preuve, malgré de sérieux malentendus, cet événement a été apprécié par tout le monde comme « historique ». Mais son avènement vient succéder à un autre événement majeur dans la vie politique de l'UE : les élections pour le Parlement européen tenues entre le 10-13 juin. La corrélation des deux moments ne peut pas être ignorée, et la signification de ce moment « historique » devrait être analysée dans un contexte plus large qui comprenne les évolutions politiques et sociales de l'Europe des dernières années. Il est important de le faire, pour comprendre pourquoi la Constitution européenne, au lieu de jouir de plein de sa victoire doit encore répondre aux interrogations croissantes sur sa nécessité, son opportunité et surtout sur son contenu.

Sans vouloir minimiser la portée d'une telle décision, il conviendrait toutefois de rappeler que son adoption ne représente pour l'instant que l'expression politique d'un accord – déjà difficilement agrégé sur le fond des rivalités entre les intérêts nationaux -[1], d'une partie de l'élite politique européenne. Aux élections européennes, les partis au pouvoir se sont vus tous (sauf le Luxembourg, la Grèce et l'Espagne où des élections s'étaient déroulées peu avant le scrutin européen) sanctionnés par l'électorat national, qui par ailleurs, dans un bon nombre de cas (même des pays récemment membres de l'UE) a considéré accorder sa confiance à des organisations politiques nationalistes ou eurosceptiques[2] dont le poids dans l'hémicycle de Strasbourg sera de 15% à peu près.

Si on pense encore que la Constitution devra être ratifiée par tous les Etats membres sans exception – soit par voie parlementaire, soit par voie référendaire ; conformément aux règles constitutionnelles de chacun – et vu l'état d'esprit des Européens pas tout a fait contents d'une intégration plus poussée il devient évident que les chances d'avoir une Constitution européenne en force dans le futur proche sont assez incertaines.

L'adoption de la nouvelle Constitution est due aussi en grande partie à la dimension du processus d'élargissement et aux transformations (tant institutionnelles que décisionnelles) qu'elle impose.

Comme futur membre de l'UE l'intérêt de la Roumanie est directe et fondamental. Même si elle n'a pas eu la possibilité de participer directement à l'élaboration du projet constitutionnel, son contenu va influencer ses évolutions et développement ultérieurs dans toutes les sphères de la vie. Il est par conséquent essentiel d'analyser la manière dont la future constitution va peser sur la vie sociale et politique roumaine, pour voir quels seront les avantages et les désavantages de l'adoption d'un tel acte.

Au même temps, cette discussion est d'une importance d'autant plus grande, que la Roumanie, une fois entrée dans l'UE, aura non seulement des droits, mais aussi des obligations (parfois parmi les plus contraignantes) et devra s'accommoder à la méthode et à la logique communautaires de prise des décisions et de gestion des intérêts désormais non seulement nationaux, mais aussi européens, fait qui conduit peu à peu à une nouvelle forme de constitutionnalisme qui pose à son tour de sérieux défis.

Défis de l'Adoption de la Constitution européenne

Au premier abord il faut éclaircir une question préliminaire de nature procédurale, quant à l'effet de la Constitution européenne sur la Roumanie. Il y a ici deux cas de figures possibles : l'entrée en vigueur de la Constitution avant ou après l'entrée de la Roumanie dans l'UE.

Le premier cas - aussi le plus optimiste - suppose que tous les processus nécessaires pour l'entrée en force de la Constitution - traduction du texte, signature du Traité constitutionnel à Rome le 20 novembre 2004, ratification par tous les Etats membres dans maximum deux ans de sa signature[3] - seront réalisés en dû temps comme prévu[4]. Même si elle entrera en force en 2007, la majorité de ses dispositions n'auront d'effet juridique qu'à partir de 2009. Si ce calendrier est respecté, au moment de l'adhésion, la Roumanie devrait sans discussions, adopter la Constitution qui sera déjà la base de l'acquis communautaire, notamment par le fait qu'elle reprend en grande partie les dispositions des traités fondateurs antérieurs que d'ailleurs, elle annule[5].

Dans la deuxième hypothèse et aussi la plus probable – dû surtout au vote anglais qui sera probablement contre l'adoption - où la Constitution ne réussira pas à être mise en force avant 2007, la Roumanie rejoindra l'UE dans les conditions de l'acquis communautaire actuel et du Traité d'adhésion et il ne sera pas question d'adoption de la Constitution que dans la position de membre à plein droit de l'Union. Si dans deux années après sa signature, seulement quatre cinquièmes des membres auraient ratifié le Traité constitutionnel, le Conseil Européen, à l'unanimité, est tenu à réviser la situation. Ainsi, de nouvelles modifications seront-elles apportées au texte constitutionnel. En qualité de membre, la Roumanie pourra dans ce cas participer aux négociations et à la prise de la décision. Si un accord sera établi, la Constitution devra être de nouveau approuvée par les Etats par un des deux voies.

En Roumanie, il n'y a pas de fondement légal contraignant pour l'organisation du référendum dans la matière, le Parlement étant celui qui devra ratifier le traité constitutionnel, sauf dans le cas où la Constitution roumaine devra être révisée[6]. Il existe encore la possibilité que le Président demande au peuple, après consultation du Parlement, d'exprimer, par référendum, sa volonté sur des problèmes d'intérêt national (art. 90 de la Constitution). Toutefois, la décision du peuple n'oblige pas le Parlement à adopter sa décision, donc en dernière instance c'est toujours le Parlement qui en décide.

Cette question mène pourtant au fond du problème. En quoi la Constitution européenne, au cas de la ratification du texte actuel va affecter la Roumanie? Les changements sont fondamentaux dans tous les domaines et sont compréhensibles parce qu'ils sont directement liés au processus d'intégration européenne de la Roumanie. Squelette de l'architecture européenne, régissant les domaines d'activité et les compétences de toutes les instances (communautaires, nationales, régionales, locales) impliquées dans le processus d'intégration, la Constitution européenne a une ambition encore plus poussée : accomplir un espace de civilisation « uni dans la diversité » avec des valeurs spirituelles et matérielles propres à une société, voire plus, une communauté européenne. Soucieuse d'atteindre ces buts, d'imposer son modèle politique et social, la Constitution est conçue de telle manière que les Etats membres de l'UE la respectent en dessus de toute autre réglementation interne. Elle reprend les autres traités et proclame le principe de la supériorité du droit communautaire par rapport au droit national. Ça signifie qu'elle sera l'acte normatif avec le plus de puissance dans l'ordre juridique de tout Etat membre, au-dessus de toute Constitution nationale, sans pour autant qu'elle se substitue aux celles-ci[7]. Tout simplement, les constitutions nationales devront être rédigées (révisées si le cas) dans l'esprit et le respect du texte constitutionnel européen.

Dans le cas roumain il y a au moins une question constitutionnelle qui devrait être révisée. Il s'agit de l'alinéa 5 du premier article qui pose qu'en Roumanie, « le respect de la Constitution, de sa suprématie et de ses lois est obligatoire » qui contrevient à l'article I-5bis de la Constitution européenne : « La Constitution et le droit adopté par les institutions de l'Union dans l'exercice des compétences qui lui sont attribuées ont la primauté sur le droit des Etats membres. ». En reste, les modifications apportées à la Constitution de 1991 ont essayé (Titre VI, art.148) d'offrir un cadre légal approprié pour les transformations que l'adhésion de la Roumanie à l'UE rendra nécessaires. On stipule que « l'adhésion de la Roumanie aux traités constitutifs de l'Union Européenne, dans le but du transfert de certaines attributions vers les institutions communautaires, aussi bien que pour l'exercice en commun avec les autres Etats membres, des compétences prévues dans ces traités, se fait par loi adoptée en séance commune de la Chambre des députés et du Sénat, avec une majorité de deux tiers du numéro des députés et des sénateurs ». Aussi, « à la suite de l'adhésion, les dispositions des traités constitutifs de l'Union Européenne, aussi que les autres réglementations communautaires avec caractère obligatoire, ont priorité par rapport aux dispositions contraires des lois internes, avec le respect des dispositions de l'acte d'adhésion ». Conformément à l'alinéa 3 du même article (148), les dispositions mentionnées ci-dessus devraient s'appliquer aussi, au cas de l'adhésion aux documents de révision des traités constitutifs de l'Union Européenne, donc au traité constitutionnel aussi. Mais, comme dans le cas européen il s'agit d'un acte constitutionnel et l'article de la constitution roumaine prévoit l'harmonisation avec la juridiction communautaire par l'intermédiaire de la loi, acte normatif avec une force juridique inférieure à la Constitution en Roumanie et par conséquent sans possibilité de la modifier (sauf s'il s'agit d'une loi constitutionnelle, qui, elle, devrait être approuvée à la suite du référendum). Il se fait donc que la manière dont les deux articles constitutionnels (européen et roumain) pourraient être coordonnés dans leur formulation actuelle reste assez incertaine.

Les principes des changements essentiels

L'adhésion de la Roumanie suppose, au delà des bénéfices inhérents à ce statut un bon nombre d'obligations qui devront être respectées au risque de sanctions à de divers degrés. La nouvelle Constitution européenne envisage d'accroître la transparence et l'efficacité de l'Union Européenne. Elle énonce les valeurs, les objectifs et les compétences de l'UE et peut être son plus grand mérite est d'avoir unifié les traités de base dans un seul texte en vue de simplifier et de clarifier les procédures nécessaires l'intégration et de donner à l'Union la structure juridico institutionnelle dont elle a besoin pour fonctionner[8]. Dans ce schéma, la Roumanie tirera bénéfice de toutes les dispositions de la Constitution européenne, de tous les chapitres. Le texte de celle-ci devenant en effet le fondement du développement et de l'évolution de la vie sociale, politique, économique et culturelle de la société roumaine, fera du processus d'intégration européenne le rôle de catalyseur de la modernisation de la Roumanie. Il convient pourtant de souligner que la Constitution européenne n'apporte pas de transformations spectaculaires de l'acquis communautaire que la Roumanie a déjà adopté en grande partie, donc l'influence venant uniquement de la part de la Constitution européenne ne saurait faire abstraction des dispositions des autres traités.

Le transfert des compétences et la transformation des politiques publiques roumaines

Du côté institutionnel les changements seront liés aux délégations de compétences vers les instances européennes. La Constitution établit trois catégories de compétences : exclusives (l'Union seule, sans le concours de l'Etat statue et fait la loi dans certains domaines), communes (quand l'Union décide et légifère en coopération avec les Etats concernés) et compétences pour mener des actions pour appuyer, coordonner ou compléter l'action des États membres, sans pour autant remplacer leur compétence dans ces domaines (art I-11). Il est important de souligner que dans les domaines qui ne relèvent pas de sa compétence exclusive, l'UE agit dans la vertu des principes de subsidiarité et de proportionnalité.

Dans cette situation, la Roumanie, devra accepter ce partage de compétences comme il suit : Elle devra renoncer à son pouvoir de décision dans les domaines qui font la compétence exclusive de l'Union : a)l'union douanière; b) l'établissement des règles de concurrence nécessaires au fonctionnement du marché intérieur; c) la politique monétaire pour les États membres dont la monnaie est l'euro; d) la conservation des ressources biologiques de la mer dans le cadre de la politique commune de la pêche; e) la politique commerciale commune, f) la conclusion d'un accord international lorsque celle-ci est prévue dans un acte législatif de l'Union, ou qu'elle est nécessaire pour lui permettre d'exercer sa compétence interne, ou dans la mesure où elle est susceptible d'affecter des règles communes ou d'en altérer la portée (art. I-12).

Les principaux domaines ou la Roumanie va partager son pouvoir décisionnel avec l'Union sont : a) le marché intérieur, b) la politique sociale - pour certains aspects, c) la cohésion économique, sociale et territoriale, d) l'agriculture et la pêche, à l'exclusion de la conservation des ressources biologiques de la mer, e) l'environnement, f) la protection des consommateurs, g) les transports, h) les réseaux transeuropéens, i) l'énergie, j) l'espace de liberté, de sécurité et de justice, k) les enjeux communs de sécurité en matière de santé publique, pour certains aspects (art. I-13).

Les domaines d'action d'appui, de coordination ou de complément de l'UE sont dans leur finalité européens et sont : a) la protection et l'amélioration de la santé humaine, b) l'industrie, c) la culture, c) bis - le tourisme, d) l'éducation, la jeunesse, le sport et la formation professionnelle; e) la protection civile; f) la coopération administrative (art. I-16).

Comme tout autre membre, la Roumanie pourra aussi bénéficier (si elle le veut) de la clause de solidarité (assistance de la part des autres Etats membres) si elle fait l'objet d'une attaque terroriste ou est la victime d'une catastrophe naturelle ou d'origine humaine (art, I-42 et art. III-231).

Changements dans la vie du citoyen roumain

Au niveau du citoyen, l'introduction dans la deuxième partie de la Constitution européenne de la « Charte des droits fondamentaux de l'Union » comprenant un large registre de principes, de droits et de libertés fondamentales de l'être humain constitue une garantie supplémentaire pour le citoyen européen qui se voit octroyé la possibilité de faire recours aux instances juridiques européens au cas où il considérait qu'un de ses droits ou libertés ait été violé par les instances nationales. Même si la constitution roumaine respecte et s'érige en garant des droits inscrits dans la Charte, les citoyens roumains, en tant que citoyens européens pourront recourir à cette voie d'attaque transnationale.

De plus, ils bénéficieront de tous les droits supposés par la citoyenneté européenne, y inclus des droits civiques incluant la possibilité d'être élu et d'élire au Parlement européen et aux élections municipales dans les Etats membres où ils résident, dans les mêmes conditions que les ressortissants de cet Etat (art. I-8 (2, al. b)). Si la Constitution roumaine a déjà consacré le droit pour les élections au Parlement européen (art.38), il reste encore à réglementer celui pour les élections municipales au cas des autres citoyens européens non ressortissants de la Roumanie. Tout de même, les changements dans la vie quotidienne ne seront pas tangibles, au moins à court terme, et la Constitution n'apportera pas de grandes nouveautés en matière, sauf le début d'une initiative législative pour les citoyens européens[9].

Mais au-delà de tout cela, l'adoption de la Constitution européenne qui est le cadre légal régissant le processus d'intégration communautaire signifie la remise en cause du primat de la souveraineté étatique, clé de voûte de l'intégration européenne. La question qui concerne l'ensemble des pays actuels ou futurs membres porte sur l'avènement d'un nouveau type de constitutionnalisme : celui transnational, invention européenne par excellence. Mais comme il est normal, l'émergence de cet ordre politique nouveau suscite de vifs débats dont les enjeux ne sont guère négligeables, compte tenant que leur portée vise l'existence à long terme des sociétés.

La Roumanie et l'Europe face à un nouveau constitutionnalisme

Statuant la personnalité juridique de l'Union (art. I-6) la Constitution européenne apporte aussi des compétences communautaires plus étendues au niveau de la politique étrangère et de sécurité commune (y compris au niveau d'une politique de défense commune – art. I-11(4)), l'Union pouvant désormais conclure un accord avec un ou plusieurs États tiers ou organisations internationales lorsque la Constitution le prévoit ou lorsque la conclusion d'un accord, soit est nécessaire pour réaliser, dans le cadre des politiques de l'Union, l'un des objectifs fixés par la Constitution ; soit est prévue dans un acte juridique obligatoire de l'Union (dans ce dernier cas la compétence est exclusive conformément à l'art. I-12(2)) ; soit est susceptible d'affecter des règles communes ou d'en altérer la portée (art. III 225 (e -article 300(7) TCE)). Ces accords sont contraignants non seulement pour les institutions de l'Union, mais aussi pour les Etats membres, surtout que la conclusion de ces accords est dans certains cas statuée par le Conseil à la majorité qualifiée[10].

La politique économique et monétaire va se modifier essentiellement elle-aussi au moment où la Roumanie entrera dans l'Union monétaire. L'Etat roumain perdra sa compétence de frapper la monnaie, le Leu sera remplace par l'Euro, la Banque nationale deviendra partie intégrante du Système européen des banques centrales dont la première mission fondamentale est de définir et mettre en œuvre la politique monétaire de l'Union (art. III-77(2a)) et dont les organes de décision de la Banque centrale européenne, (le conseil des gouverneurs et le directoire) vont assurer la direction (art III-79(3)).

Ces deux volets – politique extérieure et politique monétaire - considérés jusqu'à ce moment les deux traits fondamentaux de la souveraineté d'un Etat sont désormais partagés avec un organisme supranational qui quitte à l'Etat la prééminence dans ces sphères. Ni au niveau de la politique intérieure la souveraineté ne restera inaltérée, mais ici les mesures classiques de coopération internationales seront prédominantes. « La justice et les affaires intérieures » est un chapitre essentiel car il se voit le garant de l'espace de liberté, de sécurité et de justice qui est un des objectifs principaux de l'intégration européenne. Au niveau juridique, le droit communautaire prévaudra sur celui national et les instances européennes pourront être saisies si la justice rendue à l'échelon national n'était pas respectée (ça équivaut à une sorte de « constitutionnalisation » des traites).

L'admission au sein de la société européenne ne comporte pas seulement pour les Etats l'acceptation d'un corpus de règles matérielles, mais aussi la renonciation à l'un des droits les plus primitifs, celui de se faire la justice soi-même.

Si la Constitution européenne est adoptée, le constitutionnalisme transnational sera institutionnalisé de plein droit. Ses traits fondamentaux seront la judiciarisation des relations internationales et la soumission des Etats à ce droit sous peine d'être sanctionnés. Le vote qualifié et la sanction internationale, le primat du droit communautaire, le droit de recours individuel à une instance juridique internationale sont les grands défis de la souveraineté nationale[11]. Il est intéressant de voir comment la Roumanie saura leur faire face et si elle aura la capacité de se tenir à l'écart des sanctions que la Constitution européenne prévoit en cas de manquement de ses obligations. Il s'agit de la suspension de certains droits résultant de l'appartenance à l'Union (art. I-58) et de la procédure de la surveillance multilatérale (art. III-71 (e-article 99 du TCE)).

La première mesure s'applique dans le cas d'un Etat que le Conseil apprécie comme posant « un risque clair de violation grave » de l'article I-2[12], ou quand le Conseil constate « l'existence d'une violation grave et persistante » des valeurs précisées au même article dans l'Etat membre respectif. Dans ce cas, le Conseil statue à la majorité qualifiée – dans la première situation – et à l'unanimité, après approbation du Parlement européen dans la deuxième situation (mais sans que l'Etat incriminé soit pris en considération durant le vote). Dans le cas de la première constatation, le Conseil se contente seulement d'adresser des recommandations dans l'Etat en cause et de vérifier régulièrement si les motifs qui ont conduit à une telle constatation restent valables. Si ceci arrive, le Conseil peut décider la seconde situation, c'est-à-dire une décision européenne qui suspende certains des droits découlant de l'application de la Constitution, y compris les droits de vote du membre du Conseil représentant cet Etat. Cependant, en tout état de cause, l'Etat reste lié par les obligations qui lui incombent au titre de la Constitution.

La procédure de surveillance multilatérale est une mesure de contrôle réciproque des Etats membres pour assurer le respect et la réalisation des grandes orientations de leurs politiques économiques, définies par le Conseil européen sur la base d'un rapport du Conseil établi à son tour sur recommandation de la Commission. Afin d'assurer une coordination plus étroite des politiques économiques et une convergence soutenue des performances économiques des États membres, le Conseil, sur la base des rapports présentés par la Commission, surveille l'évolution économique dans chacun des États membres et dans l'Union, ainsi que la conformité des politiques économiques avec les grandes orientations visées au paragraphe 2, et procède régulièrement à une évaluation d'ensemble. Pour les besoins de cette surveillance multilatérale, les États membres transmettent à la Commission des informations sur les mesures importantes qu'ils ont prises dans le domaine de leur politique économique et toute autre information qu'ils jugent nécessaire (art. III-71 paragraphe 3). Quand le Conseil européen constate que les politiques économiques de l'Etat surveillé ne sont pas conformes aux grandes orientations de l'UE, ou qu'elles risquent de compromettre le bon fonctionnement de l'union économique et monétaire, la Commission peut adresser des recommandations à l'Etat respectif, ou même que le Conseil (votant à la majorité qualifiée) rende celles-ci publiques.

La pression sur les Etats est donc plus grande parce que les mesures de coordination le demandent en ordre d'être opérationnels. Mais avec ça, la souveraineté étatique est largement restreinte.

Ce contrôle continu sera un véritable défi pour la Roumanie, parce que le processus d'intégration européenne s'avère être encore plus difficile que celui d'adhésion. Pour bénéficier des avantages du statut de membre de l'UE, la Roumanie devra faire sa part aussi, ce qui ne sera guère trop facile. Il y a des conditions économiques, politiques et sociales assez dur à satisfaire qui devront être accomplies si on ne veut pas tomber sous l'incidence des sanctions européennes. Les problèmes seront probablement compliqués davantage par le fait qu'une telle pression externe ne fera que rendre plus difficile les compromis internes entre les divers acteurs de la vie politique et de la société civile. Il y faudra beaucoup d'habilité et d'adresse politique pour pouvoir maintenir l'équilibre de forces entre la fermeté et la souplesses des décisions, surtout dans les cas où ceux-ci vont demander des coûts sociaux significatifs. Cette question renvoie à l'état de l'élite politique roumaine contemporaine, et interroge non seulement sa capacité administrative d'accomplissement des impératifs communautaires, mais aussi sa maturité et sa vocation de représenter comme il se doit la génération-témoin de l'événement historique le plus important de la Roumanie postcommuniste. Ca sera au même temps un teste fondamental de sa capacité de communication avec la société civile, avec les citoyens du pays, en vue d'attirer leur attention sur l'intégration, en leur bien expliquant et faisant savoir la dimension et l'importance des changements qui interviendrons dans leurs vies. Le teste sera ambivalent, car il sera aussi l'examen de la maturité politique de la société roumaine face à cet évènement.

L'adoption de la Constitution européenne sous-tend toutes ces problématiques même si de manière indirecte. Si cette adoption est accomplie, elle devra être faite non seulement à la lettre, mais aussi dans l'esprit, ce qui est le plus important. La motivation consiste dans la légitimation qu'une telle acceptation lui rendrait et encore la révélation du stade de développement civique, moral et de modernisation de la société roumaine dans sa totalité.

Par cette valeur symbolique que le débat sur la Constitution européenne revête, la question révèle toute sa complexité d'où la nécessité de son examen le plus rigoureux.

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Quotidiens étrangers : Le Monde, Le Figaro, International Herald Tribune, The Economist, The Guardian

NOTES:

1 Au cadre des négociations, la Constitution a failli de près ne pas être adoptée à cause du malentendu entre Tony Blair, le premier ministre britannique et Jacques Chirac, le président de la République française au sujet du système de votation. En fait, ça démontre bien la division des vues sur l'avenir de l'Europe, situées à

des divers degrés sur une axe entre les eurofédéralistes (dont le noyau dur serait le couple franco-allemand) et les eurosceptiques (en tête avec les Britanniques, dont la position au cours des négociations sur la Constitution a été soutenue principalement par la Pologne et l'Italie).

2 C'est notamment le cas de la Grande-Bretagne ou l'UKIP (United Kingdom Independance Party) qui milite pour le retrait de la Grande-Bretagne de l'UE et qui, lors des élections européennes, a emporté 17%des voies, soit 12 mandats dans le PE.

3 Si la majorité des pays vont le ratifier par l'intermédiaire du Parlement (Belgique, Chypre, Estonie, Finlande, Allemagne – le 12/05/2005, Grèce, Hongrie, Italie, Lettonie, Lituanie, Malte, Slovaquie, Slovénie, Suède), un bon nombre d'Etats vont la ratifier par voie référendaire (République tchèque, Danemark – le 27/09/2005, France – 29/05/2005, Irlande – fin 2005 ou début 2006, Luxembourg – 10/07/2005, Pays-Bas – 1/06/2005, Pologne – seconde moitie de 2005, Portugal, Espagne – 20/02/2005, Grande-Bretagne – peut être en mai ou juin 2006).

4 A ce moment la traduction a déjà été faite et la signature a été réalisée même avant que prévu : le 29 octobre 2004 à Rome. Le processus de ratification a déjà commencé. Le Parlement lituanien a ratifié la Constitution le 11 novembre 2004, celui hongrois l'a fait le 20 décembre 2004 et celui slovène le 1/02/2005. En Italie, la Constitution a déjà été ratifiée par la Chambre inférieure du Parlement et attend encore la décision de l'autre chambre parlementaire et en Espagne, lors du referendum de 20 février 2005 la Constitution a passé avec 76,73% pour et 17,24% contre.

5 En vertu de l'article 2 de la IVeme partie du texte constitutionnel provisoire : Article IV-2 (nouveau) : Abrogation des traités antérieurs - 1. Le présent traité établissant une Constitution pour l'Europe abroge le traité instituant la Communauté européenne et le traité sur l'Union Européenne, ainsi que, dans les conditions fixées au protocole relatif aux actes et traités ayant complété ou modifié le traité instituant la Communauté européenne et le traité sur l'Union européenne, les actes et traités qui les ont complétés ou modifiés, sous réserve des paragraphes 2 et 3.

6 La Constitution de la Roumanie a été modifiée et complétée par la Loi de révision de la Constitution de la Roumanie nr. 429/2003, publiée dans le Moniteur Officiel de la Roumanie, Partie I, nº. 758 de 29 octobre 2003, republiée par le Conseil Législatif, en vertu de l'article 152 de la Constitution, avec la réactualisation des dénominations et en donnant aux textes une seconde numérotation (dans la forme republiée, l'art.152 est devenu l'art. 156). La Loi de révision de la Constitution de la Roumanie nº. 429/2003 a été approuvée par le référendum national de 18-19 octobre 2003 concernant la Loi de révision de la Constitution de la Roumanie.

7 Article I-5: Relations entre l'Union et les États membres

1. L'Union respecte l'égalité des États membres devant la Constitution ainsi que leur identité nationale, inhérente à leurs structures fondamentales politiques et constitutionnelles, y compris en ce qui concerne l'autonomie locale et régionale. Elle respecte les fonctions essentielles de l'État, notamment celles qui ont pour objet d'assurer son intégrité territoriale, de maintenir l'ordre public et de sauvegarder la sécurité nationale.

8 Pour plus de détails concernant les changements institutionnels voir l'Annexe I.

9 « Des citoyennes et citoyens de l'Union, au nombre d'un million au moins, ressortissants d'un nombre significatif d'Etats membres, peuvent prendre l'initiative d'inviter la Commission, dans le cadre de ses attributions, à soumettre une proposition appropriée sur des questions pour lesquelles ces citoyennes et citoyens considèrent qu'un acte juridique de l'Union est nécessaire aux fins de l'application de la Constitution. La loi européenne arrête les dispositions relatives au procédures et conditions requises pour la présentation d'une telle initiative citoyenne, y compris le nombre minimum d'États membres dont les citoyennes et citoyens qui la présentent doivent provenir. » (Art. I-46 (4)).

10 Pour plus de détails voir Partie I – art.39, 40 et Partie III- Titre V notamment les Chapitres II (Politique étrangère et de sécurité commune) et VI (Accords internationaux) de la Constitution.

11 Voir aussi DEHOUSSE, Renaud "Un nouveau constitutionnalisme" in DEHOUSSE, Renaud (dir.) « Une constitution pour l'Europe ? » ; Presses de Sciences Po, Paris 2002.

12 Article I-2: Les valeurs de l'Union

« L'Union est fondée sur les valeurs de respect de la dignité humaine, de liberté, de démocratie, d'égalité, de l'État de droit, ainsi que de respect des droits de l'Homme, y inclus des droits des personnes appartenant à des minorités. Ces valeurs sont communes au États membres dans une société caractérisée par le pluralisme, la non-discrimination, la tolérance, la justice, la solidarité et l'égalité entre les femmes et les hommes. »

EUROPEAN CONSTITUTION. *YES* OR *NO*?

Mirela ATANASIU

European Constitution represents the fundamental law of a state or a states' group. Hence, European Constitution must contain prescriptions which can answer to the European community necessities. Constitution must be accomplished keeping in mind some reference points: the used institutions and their competences, established intern and foreign politics, implementation methods, sustained values, citizens' rights. This will define the context where the European Union has competences without replacing the national constitutions of the old continent's states.

What does the European Constitution offer?

The Constitution „*for everybody*" is a vital step for the new construction of the European architecture. It is designed to pre-empt the challenges of an enlarged Europe: a community with 25 member states and 450 millions inhabitants, in the being conditions when the ones from the more menacing and radical military, social, economical phenomena are crossing our continent. Only the ones capable to respect its values can become the European Union members and only over UE's members can be taken measures in case of theirs inobservance.

Punctually, the new Constitution offers to the Europeans:

- the warranty of a European society model based on pluralism, indiscrimination, tolerance, justice, solidarity and equal rights indifferent from sex, as well as the respecting of the common values: human dignity, freedom, democracy, equality, human and citizen's rights;

- fundamental liberties, as: the freedom of the peoples, goods, services and capitals movement and the freedom to reside anywhere in the European Union territory, without discriminations of any kind;

- the European citizenship, for all the Union's member states citizens, conferred near the national one, which it doesn't replace, but according to it, citizens are obtaining additional rights, as are: residency anywhere on the Union's territory, the right to vote or propose a candidate to the European Parliament and the municipality for the residence country elections, diplomatic and consular protection in all the other member states; the right to address to the Union's institutions and counselling organs in every language stipulated in the European Constitution and to receive the answer in the same language;

- a Chart of the fundamental rights which guarantees human dignity, right to live, interdiction of the inhuman or degrading treatments, right to liberty and security, respect for the intimate and family life, freedom of thinking and religion, freedom to expression and information, right to education, liberty to develop a business, to detain a property, equality against law, respect for the cultural, linguistically and religious diversity, equality between men and women, the liberty of a fair trial in the justice, the presumption of unguilty and the right to defend oneself etc.;

- more solidarity. If a member state falls victim of a disaster, no matter if is caused by a terrorist act or a natural calamity, the Union's states will react conjugated – if is necessary, even through military means – for helping that state;

- improvement of the Union's citizens democratic life. That consists in the new obligations imposed to the European institution regarding the consultations accorded to the civil society, the transparency and opening of the leadership process and the access to documents. It was introduced the right to initiative of the Union's citizens, which consists in the fact that, if at least a million citizens from a peculiar member states' number have a request, the Commission can be persuade to agree it in the desired lines by that citizens.

- shared objectives regarding the citizens' peace and wellbeing, a liberty, security and justice climate, an immense unique market and the liberty of competing, sustained development through the combination of the economic and social considerations with the ones of the environment, technical and scientific progress, social protection and justice, protection of the children and women's rights, territorial, economical and social cohesion based on the member states solidarity, the defence and preservation of the Europe's cultural inheriting.

Historic background

25 March 1957 – 6 countries (Belgium, France, Germany, Italy, Luxembourg and Holland) signed The Rome Treaty, laying the bases of the European Economic Community (EEC). This was the "big bang" of the European Convention's birth.

The European Single Act, signed in **1986,** gave Union the possibility to create a unique market and to establish on its territory the liberty of movement for the peoples, goods, services and capitals, measures used nowadays by the Europe citizens from the commercial sector.

1992 – The Maastricht Treaty permitted the Union to go ahead in its project through a unique currency introduction, justice and intern affairs cooperation.

The Amsterdam Treaty from **1997** and Nice Treaty from 2001, although successful moderated, were characterized by a weak solving from the most institutional problems of capital importance.

15 December 2001 – Laeken' s Declaration – heads of states and govern of those, over then, 15 European Union's member decided the outlining of the „European Convention", with the purpose of establishing a text for the amendment of the existent treaties.

By **28 February 2002** began its works The European Convention, under the presidency of Valéry Giscard d'Estaing, composed by 105 members (representatives of the candidate or member states, theirs national parliaments, but even of the European Commission and Parliament). There were present, also, 13 observators representing the regional committees, the economical and social committee etc. All the Convention's sessions were open strongly to the public and media also having created workshops which offered extensive consulting for the representatives of the civil society organizations. By 10 July 2003, after an assiduous work, they reached to a consented project of the treaty which will establish the European Constitution.

In the period 4 **October 2003 – 18 June 2004**, the project was given ahead to a Intergovernmental Conference, composed from the representatives of the governs from the actual and future member states.

29 October 2004 – Constitution's signing, Rome, by the representatives of the 25 member states.

European Constitution's Institutions[1]

Institutions have the duty to guide their self after the elementary principles of Constitution[2]:

- the principle that governs the Union power's allocation;
- the principle of law, conform with the subsidiary and proportionality principles of the competence's exercise;
- the principle of the Union law's primordiality;
- the principle of member states obligation in implementing the Union's law.

The European Parliament[3], together with the Minister's Council, will adopt the legislation and exercise the budgetary function, as well as the political control and counselling functions. It will choose the president of the European Commission, to the European Council proposal, which must take into account the elections' results. This will also sanction the Commission as a whole. The number of Parliament's members will be limited to 750.

The European Council[4] will become a real institution. The actual presidency will be replaced with a permanent one, but with limited powers, chose by a clear majority from its members being renewed at 2 years and a half. The general rule for decisions' adoption will be the consent. The Council will define the politic priorities, but it won't exercise legislative function.

The Minister's Council of the European Union[5]. The Constitution sustains the creation of a Foreign Affairs Council lead by the European Union Ministry for the Foreign Affairs, apart from the General Affairs Council. The latter will continue to assure the Council deliberations' coherence with the help of the Permanent Representatives Committee. The meetings of the Council's special formations will be shared in two parts: one for the public legislative deliberations and the other for the non-legislative ones, for answering to the transparency requests.

The European Ministry for Foreign Affairs[6] represents an institutional innovation proposed by the Convention. The European Minister for Foreign Affairs, instituted by the European Council through a majority of votes and with the Commission's president, will apply the Union's security and common foreign policy, will be the head of the Foreign Affairs Council and will have, also, the vice-president function of the Commission. By this posture, the minister will be responsible for the Union's foreign policy materialization as a whole, will have the power to propose and represent the Union, lonely or with the Commission, and will be supported by a Foreign European Action Service.

The European Commission[7] has the power of legislative initiative. It will be formed, until 2014, by one representative of every member state, than will be having an representatives number equal with 2/3 from the number of member states, chose by rotation. The Committee President will be chose by the European Parliament and has competences which concern the representatives' reunion, portfolios allocation and the right to demand a representative's resignation.

The Justice Court[8] has competences especially into the liberty, security and justice range and in some foreign affair aspects.

Conservatives or Integralists?

At present, The European Constitution is in the ratifying phase, which began in 2004 and follows to develop on a two years period, for, in 2006, to reach the complete ratification.

By 10 January 2005, the European Parliament building from Strasbourg vibrated by strength ovations at the pole's result announcement over the ratification: 500 votes „pro", 137 „against" and 40 abstentions. The European Parliament's president, Josep Borrell, declared on this occasion: The pole's result don't let place for doubts over the support that European Parliament gave to the Constitution.

Three European countries have already given green light to The European Constitution: Lithuania (November 11th, 2004), Hungary (December 20th, 2004) and Slovenia (February1st, 2005). Spain was the first country which presented the direct vote's issue to the population. The Spaniards began to vote from Sunday, 20 February, by referendum. Today we take a very important decision for the united Europe future, as well as for Spain, for its future and wellbeing, declared the Spanish Prime Minister, Jose Luis Rodriguez Zapatero. The Spain's approval seemed sure, but it wasn't guaranteed by any method. The last preview showed 51,2% „pro", but the electorate has an 2% error, so the fight wasn't finished yet in the Iberian Peninsula. The first pole's results showed that almost 80% from the ones which presented to urns were declared for the mentioned act's ratifying. The referendum's results don't have juridical value, Cortesuri (the Spanish parliament) will have the last word in that issue. The statistics showed that the Spaniards weren't interested by that referendum. The prove is that only 40% from the citizens with the right to vote presented to urns, the percentage being the most low from all organized after the Franco domination's end in 1975.

The political annalists have the opinion that the adoption through referendum by the Spaniards of the Treaty regarding the European Constitution is an important event for the European integration's process. As well as the Spanish prime minister, Jose Luis Rodrigues Zapatero, showed, the actual referendum marks the fact that Spain opened wider the gate to a more united and powerful Europe, having an important significance for Spain, as well as for the entire Europe.

The same referendum will favour the Spain's integration process into the European Union. After the numbering of 93,54% from votes, the result was obvious, a strong sustaining for the European document, 76,49% from voters being pro. In accordance with the public opinion at the urns' exit, an significant opposition registered just in the basc and Catalonia's zones. Here, the separatist parties opposed the Constitution saying that this doesn't recognize their regional identity. Juan Carlos, the king of Spain, was between the first which expressed their option. The Spaniard prime-minister declared after the vote: Today we take a very important decision for a future unite Europe, which is important also for the Spain's future. Between the first personalities which hurried to express their congratulations after finding out the referendum's result was the French president. Effective participant in Spain at the pro Constitution campaign, related: That "yes" from the Spain's citizens for the Constitution and for Europe is a clear signal and reveals the way for other countries which will ratify the treaty in the future months.

Another ten European member' states, from which the sceptical ones, as Denmark, Great Britain, Ireland or France, follow in to put to ratification to the referendum test. France follows to urns in summer. The president Jacques Chirac is a fervent sustainer of the European Union Constitution but has a lot to work for persuading, until June, his countrymen which will be voting. The sore point of the French people is represented by the euro currency, established as a unique European coin, through the Maastricht Treaty.

London has enough time to balance, because it got to wait until the beginning of the 2006 year. The Danish people already rejected, in 1992 and 2000, two of the European Union treaties. The political leadership, the one which detain power, as well as the opposite ones, don't want the history to repeat, so they try to convince their sympathizers to convey the ratification. The Irish have the same attitude against the European Union. In Poland, the referendum result is ambiguous. This time guilty is the lack of interest from the citizens, so in assuring the percentage of 50% in poll participation for this to be valid, the government combined it with the national elections.

The Constitution it isn't exposed to referendum in all the European states. Germany, the most inhabited European country from the one with the right to vote, presents the treaty in the both chambers of its parliament being necessary a majority of 2/3 for ratification. by 23 February, the superior chamber, Bundesrat, began the debate over the ratification. In less than a week, the inferior chamber, Bundestag, had the issue on the daily agenda. The biggest parties of the country, Social-Democratic and Christians-Democratic Conservators, are for the Constitution. The Foreign Minister Joschka Fischer declared that he wishes that the ratification to be done until the summer parliamentary holiday.

Until October 2006, all the 25 countries must have been amended the Constitution in the way they consider. If a single country rejects the Constitution, there are two alternatives: document's re-elaboration and the renegotiation of the UE's quality membership of that state. It will become permanent in 2007 if all the countries are ratifying it, introducing new posts in the European Union, as is the one of foreign minister and the one of European Union president.

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NOTES:

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2 Idem.

3 Draft Treaty Establishing a Constitution of Europe, title IV, Cap. I, art. 19.

4 Draft Treaty Establishing a Constitution of Europe, title IV, Cap. I, art. 20.

5 Draft Treaty Establishing a Constitution of Europe, title IV, Cap. I, art. 22.

6 Draft Treaty Establishing a Constitution of Europe, title IV, Cap. I, art. 27.

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ECONOMIC FINANCIAL VULNERABILITIES AND CHALLENGES

General-Major Constantin NĂSTASE

Our world is being rebuilt in an atmosphere of stress, instability and uncertainty. Almost everything that is done bears the print both of uncertainty and of hope. Uncertainties are the result, hope is a project. All these belong to the reality interests, projects and most of them to illusions which all have common coordinates, the financial and economic ones being the most important. Economy and finance are the most dynamic and concrete product of human activity and are the most palpable support. The progress of the society is first of all an economic one, and the potential of a society has first of all an economic and financial dimension. But this world which seems very solid and concrete is still very sensitive and vulnerable, the war which is being led today is being not that of arms but the war of cross-borders economies, i.e. the economic war. This war results from economic conflicts and is a continuous and a permanent one. Clausewitz defined war as being a continuation of politics by violent means, i.e. a violent modality of putting policies into practice. Some of today's strategies consider war to be not a continuation of policies, but its end, as arms put an end to political dialogue, coming into action when dialog ends.

Well, this very subtle and realist considerations must often have an economic support, they take place within economic policy. The Chinese Sun Tzî, in his "Art of war", and the Indian Kotilyia, in his "Arthashastra", advised the belligerents to consider first of all their adversary's doings, to destroy the economic support of war, which means that in stabilized Ancient world was recommended that some indirect strategies should be applied as in the conception of the first strategists of mankind destroying the resources meant the destruction of adversary's economy that is the material and economic support of war.

At the same time the strategy of destroying adverse economy becomes a relatively independent domain which presupposes a system of specific actions. But if the war of arms is over after the last battle, when its consequences are over, the economic war goes on by very subtle means and manifests itself every day through a system of most often invisible battles for which markets, technologies and resources which permeate every corner of the planet.

Characteristics

The challenges and vulnerabilities are complex and numerous. The entire meaning of the existence of human society lies in a competition for power, more exactly for the means and mechanism of power, which are first of all economic and financial. Energy and raw materiel resources do not represent a factor of power. Generally speaking, the countries which have resources are not necessary the most powerful. All the countries in the Middle East are poor although there are the most important oil riches.

The challenges at the beginning of our century are, essentially, economic challenges. They get shaped and take place in complex, atypical situations, which are being totally unfavorable to new global policies and correspond to the new strategic course. Today's world is more than ever disproportional and asymmetric. The disproportion lies in the huge differences and asymmetry lies in the differences among competition and impact strategies, as well as in the way in which one uses the other's vulnerability.

The financial and economic challenges of the new century result first of all from the characteristics of the financial and economic area, from the extremely fluid and also solid dialects of confrontation and stability. For, no matter what one might say, this continuous and huge economic war does not demolish, but it rebuilds.

Among the characteristics of the economic and financial challenges we can mention:

- the accentuation of their cross-border character;

- cybernetics;
- gigantism;
- virtuality;
- the increase of the differences;
- the domination of the great financial and economic corporations;
- firmness;
- confluence;
- fluidity;
- dynamism;
- constructivism;
- the gap.

Some of these characteristics are complementary, others are contradictory, and even exclusive. They form a system on which the economic, social and politic configuration of the world is based.

The international economic, political and security bodies and organizations, among which the leading ones: U.N., EU and NATO, have at an exceptional role in managing the challenges and vulnerabilities which accompany an even greater degree the new type of society that, willy-nilly, is being built at this beginning of the century. Hence, a greater responsibility for the entire humanity rises.

Symmetry, dissymmetry, asymmetry in the economic and financial dynamism

Economic asymmetry, although greatly a consequence of the discrepancies, cannot be confounded with them and reduced to them. It arises especially from the incompatibility of interactions and from the subtlety of interests. Though we live in the same economic financial universe, this universe is different for its inhabitants. While the finances acts within a specific expanding network, which promotes and favors a certain type of relations, the rest of the world is in waiting and profits from the consequences of this strategic game or simply bears them without understanding much of the what is going on in the area of financial policy and its instruments.

The essence of finance comes not necessary from the more or less accelerated rotation of the money in circulation that is part of the speculative financial policies, but especially from of the productive economic system. This is the only healthy and efficient generator of financial resources. In its turn, this system cannot exist only to the extent in which all its elements, structures and functions are integrated in the continuous reconfiguration of the financial environment.

There is a permanent battle in the network, specific to the domain of finance, represented by the interactions and confrontations between financial policies, structure and functioning of the financial mega-systems in which battle the banking systems, the speculative mechanisms and other elements, subject to a complex and dynamic determinism. This battle is mainly going on in the area of resources and the capital markets. It, in its turn, causes, through direct impact or induction, and endless and chaotic chain of battles in the economic area. In other words, a rigorous analysis of the economic financial dynamism must appeal not only to the theory of statistics, but also to the theory of chaos.

Through statistics, there can be determined the goal or the directions of the economic evolution and some causalities of the financial systems, but the very subtle, sophisticated and, must often, unpredictable mechanisms of the economic financial dynamism.

Which are, from economic and financial view, the realities, and how can they be discovered and influenced? How can anyone control the economic war? What is the dimension of this financial war?

First of all, we should try to identify at least some of the economic and financial threats faced by the modern society and to try to find them within the economic war.

There are at least three type of threats:

- systemic;
- processual;
- asymmetrical.

The systemic threats are caused by the evolution of the financial economic systems, and they are mainly represented by the incompatibilities among them. The most important are:

- corporative threats;
- oligarchic threats;
- gap threats.

These are, generally speaking, political and strategic threats and they can be found locally or globally, starting from enterprise level up to the national level.

The corporative threats aim at:

- corporations;
- economic branches;
- national economies;

- companies.

Some of these threats are part of the evolution of the economic system, others are generated by the continuous fight for resources, technologies and markets.

The oligarchic threats are more dangerous than the systemic and corporative ones, as they create domination in the same financial economic area.

The threats caused by the huge differences between the political and the economic systems are a consequence of the gap between capitalist and socialist economies. But there are also gaps inside the capitalist economies. Hence, a lot of opportunities, competitions rise. The market equilibrates the production and distribution systems.

The processual threats are and will always be the most complex ones.

But the most dramatic economic financial threats are the asymmetric threats. They are negative processual threats. The most frequent are the following:

- black market;
- money laundering;
- trafficking (human beings, drugs, arms);
- financial economic terrorism.

The entire humanity fights against black market, drug dealers, laundering money etc. But all these threats are part of the reality. The underworld makes use of the society's vulnerability, in the stage of transition from a post-industrial society to a society based and complete, deep scientific knowledge.

Conclusion

The politicians are first of all responsible for assuming the realities, challenges, risks and financial economic threats. Neither the companies nor the banking institutions make a better world, but the policy.

The finance and economy used to achieve this goal stand for a political concept of development an efficient financial economic policy. The financial economic interests are the basement for this policy. These social, ecologic, cultural and military interests are mixed in a determinative element which can provide a positive solution for the global, as well as for the individual economic, social, ecologic and military security.

OPERATIONAL GOALS OF NUCLEAR, BIOLOGICAL AND CHEMICAL DEFENCE IN ACTUAL STAGE

General-Brigadier Nicolae POPESCU, PhD
Major Viorel STAMIN

"Alliance is again back in business. ...Because terrorism, proliferation of weapon of mass destruction and failed states are the challenges confronted us and we can dominate it's only by transatlantic cooperation."

NATO Secretary General Jaap de Hoop SCHEFFER[1]

It is obviously that the reevaluation of CBRN[2] risks strategy is a necessity, as NATO member state quality of Romania and regarding commitments of radical changing in the risks nature that have to be solved by Alliance, till world geopolitically bipolarity of Cold War period until actual multidimensional and multidirectional threats.

Army forces need not only to be capable to defend against conventional attacks but also to be proficient in conducting operations over protracted periods in an CBRN environment[3]. Those later conditions can result both from the employing of CBRN warfare agents and from release other than attacks (ROTA).

The NBC hazard in the global security environment and the relation between the principles of Force Protection and NBC Defence involve new approaches regarding NBC Defence.

Supreme Headquarters Allied Powers Europe – SHAPE appreciate that NBC Defence is a high level priority and, thus training and preparing the Alliance forces, in this area, are essential; the training goal could be a normally presentation and commanders and staffs understanding of the CBRN risks and the means of employing.

Thus we offer an authorized source of information regarding analyze and operational goals of the NBC Defence domain, the following paths for subsequent development of this area as army branch that protect and support HQs and force to assure its freedom of action in CBRN environments.

CBRN risks

"Today, when we step in a faze that can called – the period after 11th of September - ... apocalyptic terrorism, proliferation of weapon of mass destruction and spectrum of other failed states face us to new hazards, unprecedented ever in history."

Lord George ROBERTSON[4]

The CBRN risk, through all its components, is manifested in different forms: the existence of NBC ammunitions stocks, complexity and higher costs of neutralization; CBRN proliferation, both of vectors and ammunitions; refusal (postponement) to adhere of international treaty to reduction of CBRN weapons; the interest manifesting to produce (acquisition) of CBRN weapons by different states unknown as official possessor of CBRN weapons; the threat and employing of those weapons in some local conflicts; terrorism and illegal trade in CBRN weapons, development of economic exchange, transfer of technology, and afferent political & financial interest.

However, the CBRN proliferation is still a direct threat to the Alliance people, territory and forces. Military forces of NATO member states needs, after an accurately, realistic and ongoing analyze of CBRN threats, "the appropriate policy, doctrine, organization, equipment and training"[5], for an effective and sufficient NBC Defence. The resulting joint NATO NBC Defence capability needs to reflect the potential risks and the consequent need to be able to survive and operate in such NBC conditions.

The existence and attempts to sell and buy CBRN weapons, CBRN terrorism forms, consist an obviously threat factor which must be considered to maintain stability and security in Euro-Atlantic space.

The other threat is represented by the toxic industrial materials (TIM) regarding accidental release or deliberate actions of opponent to the risky economical objective.

Alliance established the following principles, as response to the CBRN proliferation: to assure cohesion, strategic unity and solidarity of the Alliance by ongoing participation to the allied training for defend in the CBRN environment; to maintain freedom of action; to reassure allied and coalition partners about NATO certain possibility to respond and to protect against CBRN attacks and threats; to assure, in a short period, complete and effective procedures to solve crises; to complete the efforts of nonproliferation with military capabilities that can assure minimize CBRN weapons hazard; priority to assure the necessary capability, in the contributing order to achieve Alliance goals; integration of NBC concept in defense process, defense planning, operational planning and standardization.

In this context, near creation NATO Response Force and development a new Alliance command structure, one of the most important elements is considered implementation of Prague Capabilities Commitment/PCC. Thus, have been identified four key domains for the better development: CBRN Defence; informational superiority; combat effectiveness; deployable capability and operational support.

The Alliance commands approved to implement five initiatives to defend against CBRN weapon of mass destruction which will assure increasing of counteract capability. Those initiatives are: deployable CBRN analytical laboratory; CBRN respond teams; establishing of the Centre of Excellence for CBRN Defence (live CBRN agents training included); Bio-Chemical Defence Reserve; Epidemic (bio) Surveillance System.

Goals and capabilities

NBC Defence is a component of force protection and of operational support, to assure freedom of action in an CBRN environment. The aim of NBC Defence result from this definition is protection and support of force against tactical, operational, strategic and psychological impact determined by the employing of CBRN agents or TIM, for purpose to survive in CBRN environment and ongoing operation in this condition to fulfill established missions, to assure highest training and equipment and interoperable with NATO structures.

In this way, we consider to be necessary improvement of national counteract capabilities and/or effects mitigation of CBRN event by the force provided to NATO, as well as by the national defense force, and to develop the following priority directions: to apply the Joint Doctrine for NBC Defence; to adopt an unitary conception regarding NBC Defence training; to reorganize proficiency and operationally NBC Defence structure; to manage efficient NBC Defence to all levels; to develop the logistics of NBC Defence and to assure NBC Defence performance and interoperable equipment.

Till now, Romania accepted, totally or partially, from Force Proposals to implement the following NBC Defence capability goals: a) EG 4401 –NBC Defence/Collective Protection (COLPRO); b) EG 4410 – NBC Defence /Individual Protective Equipments (IPE); c) EG 4422 –NBC Point Detection Identification and Monitoring; d) EG 4423 –NBC Communication and Information System; e) EL 4461 – Combat Support of NBC Specialists.

EG 4401 –NBC Defence/Collective Protection (COLPRO)

COLPRO equipments ensure rest and recuperation of personnel that act in an CBRN environment and it is a best means to counteract psychological and physiological effects resulting to prolong wearer's NBC IPE period.

According to EG 4401, by the end of 2007 have to be ensured a sufficient COLPRO against chemical agents and rest and recuperation facility for 25% of deployable forces operating in a chemical contaminated environment. These COLPRO facilities should be field deployable and equipped with filtered chemical sheltered to allow units to sustain operations. They can be filter-overpressure system and can be either prefabricated solid portable structures or soft material systems that go inside existing shelters and buildings.

EG 4410 – NBC Defence /Individual Protective Equipments (IPE)

Ensure of IPE compatibility, interchangeability and communality will decrease response time to CBRN events and will mitigate the specific logistical issue. By the end of 2006, have to be ensured adequate and sustainable individual protective equipment (including respirators, protective suits, gloves, boots and personal decon kit) to all requested deployable and in-place forces to conduct and sustain operations in an CBRN environment.

EG 4422 –NBC Point Detection Identification and Monitoring

There is increasing concerns over the threat to NATO forces regarding the employ and release of NBC weapons of mass destruction, including the impact of TIM and low level radiation (LLR) across the spectrum of potential NATO operations including scenarios of crises respond operation (CRO). By the end of 2009, have to be developed and implemented NBC Warning & Reporting System (NBC W&RS) that includes a deployable or integrated multi-agent chemical point detection system that detects, identifies, warns users of the presence of chemical warfare agents of high priority concerns and minimizes false alarms and monitors levels of hazards. Also, NBC W&RS has to be equipped with radiation stand off detectors that can detect and monitor/measure gamma, alpha, beta and neutron dose and dose rate, including LLR.

EG 4423 –NBC Communication and Information System

NBC Communication and Information System has to provide commander and staffs precise data and information about CBRN situation that has to include data about vulnerability and CBRN risk in order to appropriately support decision-making to implement the best counter measures. Surveillance the combat space on the digital system suppose that the NBC officers to be equipped with an automated systems and sensors that permit the access to the CBRN info to elaborate the optimal course of action that will reduce risk across operational forces. NBC officers have to have access to a large range of CBRN info, received to J2 or current weather service, multi media systems and terrain reconnaissance.

EL 4461 – Combat Support of NBC Specialists

NATO requests NBC specialized capabilities to support either conflict operations or peace support operations (PSO) developed in an potentially CBRN contaminated environment. Also, are requested NBC specialized equipment in operational theater to ensure NBC Defence of mission key points.

This goal intend to achieve two essential requests, readiness of NBC Defence organizations requested in NATO Force Proposals and ensure NBC specialists to all military structures, beginning to the battalion level.

Readiness of NBC Defence organizations requested in NATO Force Proposals consist of: a) 1 decontamination platoon, included in Multinational CBRN Defence Battalion – goal achieved in 2004 (already NATO certificated); b) 1 RBC decon company, readiness in 2005; c) 1NBC reconnaissance company, readiness in 2007; d) 1 battalion HQ and 2 RBC decon companies, readiness in 2009.

Conclusions

Proliferation of CBRN weapons of mass destruction is unanimous recognized as a serious threat in the operational spectrum – from the force projection/ deployment until the final actions ended with peace enforcement and stabilization.

Actual Romanian status as member of North Atlantic Alliance rise to a higher level of responsibility CBRN threat approaching and modality to respond. Analyzing specialized equipment in the world resulted that the NBC Defence materials and equipment have the oldest tactical and technical features. We hope to retrieve this handicap by implementing the NBC Defence Equipment Concept of Romanian Army, equip planning to achieve on short (2005-2006), medium (2007-2010) and long (2010-2015) term, priority to organizations requested in NATO Force Proposals.

Planning, organization and equipping of NBC Defence elements are a national responsibility, but the achievements of capabilities have to fulfill the aim of NBC Defence, maintaining the freedom of politically and military action in condition of CBRN threat and employing.

To act efficiently either today or in future NBC Defence has to modernize and to change totally orientation, in order to the new Alliance missions, capability and structures.

There is a little probability that the CBRN risks to minimize, but there is very probable to increase complexity and availability of defense capability CBRN specialized is a crucial factor in defending against terrorism.

NOTES:

1 „*NATO on the way to Istanbul*”, article from the Europaische Sicherheit magazine, Germany, no.4, April 2004;

2 The CBRN term (Chemical, Biological, Radiological and Nuclear) is used sometimes instead NBC to separate nuclear WMD of radiological WMD;

3 Allied Joint Doctrine for NBC Defence, AJP-3.8, July 2003;

4 „*Future of North-Atlantic Alliance*”, article from the Europaische Sicherheit magazine, Germany, no.12, 2003

5 Allied Joint Doctrine for NBC Defence, AJP-3.8, July 2003.

GUARD DOG ON A LEASH. CONCEPTUAL THOUGHTS ON RULES OF ENGAGEMENT

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Introduction

The subject of Rules of Engagement (ROE) is enjoying increasing interest, not least in the armed forces of the Netherlands - interest that is apparent in practical situations during operations and exercises, at training centres and in literature[1]. Yet this is not an entirely new phenomenon, ROE – albeit under a different name – have always existed as a means of managing and regulating the application of military force. However, unlike in the American and British armed forces, for example, in the Royal Netherlands Army (RNLA) the awareness of the existence of an autonomous category of force-regulating rules had practically dissipated in recent decades. However, the Gulf war of 1990-1991 and the increased involvement of the RNLA in International crisis management operations gave rise to change in this respect.

The interest apparent in literature seems thus far to be largely of a casuistic nature[2], and is directed mainly at crisis management operations. Although some authors try to formulate more general rules on ROE on the basis of the operation(s) selected, a cohesive theory or – perhaps better – the development of doctrine on this subject leaves much to be desired.

It is our intention for this article to provide a contribution to the development of doctrine on ROE. In doing so, we will not opt for a specifically legal approach; we will attempt to approach the subject from more than one angle, taking the RNLA publication Military Doctrine[3] as one of the points of departure. Our main concern is to improve the perception of the subject by shedding light on its background. After making a number of remarks about contemporary opinions on ROE, we will bring the following aspects to the fore:

- control of the application of military force;
- nature and function of ROE;
- factors of influence on the form and content of ROE.

The article ends with an example of a general, defining description of ROE, together with a number of final comments on secondary considerations relating to the subject.

Contemporary opinions

The predominantly casuistic approach to ROE has coloured current opinions in two ways. Firstly, as a result of the choice of example situations; secondly, by the (way of) definition of the concept of 'ROE'.

• ROE are often discussed on the basis of practical examples, usually crisis management operations (in particular peacekeeping and peace support operations) in an intrastate conflict situation. The importance and feasibility of ROE are then usually assessed in the light of such a concrete (crisis management) operation. Not infrequently, in doing so solutions are sought to concrete problems such as the ones that arose in the situations in question or in (possible) similar situations. This seems to result in two contradictory opinions.

The first opinion involves ROE - although the distinction between peacetime ROE (PROE) and wartime ROE (WROE) is acknowledged – being actually regarded as being relevant mainly to crisis management operations (and then chiefly to peacekeeping and peace support operations); whereas during an armed conflict (wartime), ROE carry significantly less weight. However, this is a misconception, to which we will return further on in this article.

In the second opinion, with respect to the importance and relevance of ROE – particularly as far as their concrete contents and formulation are concerned – no distinction need actually be made between the various types of conflict (armed conflict versus crisis management operations). This opinion may lead to a situation in which, when drawing up ROE for a peacekeeping operation, humanitarian law of war is wrongly regarded as applicable, and in a military operation in an armed conflict, participating military personnel and units are unnecessarily accorded the 'inalienable right to self-defence'. This, however, is also a misconception, and will be discussed in greater detail later.

Within NATO, plans for a single standard set of ROE are at an advanced stage; these ROE would be applicable for every conceivable type of operation in any type of conflict (however, they are strongly based on experiences with ROE in crisis management operations)[4]. Although a solution such as this offers unmistakable advantages, in view of the remarks made above this approach is also doubtful.

• A casuistic approach leads to a variety of definitions of ROE. In turn, the definitions vary according to quality and feasibility. Below are several examples by way of illustration:

When consulting the Military Doctrine publication, a comparison of the stipulations of paragraph 0533 (p. 97)[5] with the definition of terms on p. 266 is none too consistent.

In paragraph 0533, ROE are described as "(…) a framework for commanders which provides guidelines on the nature and application of force within the political framework. They are designed to ensure that the application of force can be controlled politically (…)". Clearly, this expresses an objective-means relationship, and thus an instrumental nature of ROE. Yet should ROE be no more than a mere framework that provides guidelines on the application of force? Should ROE be confined to the application of force (in a more limited sense)?

The description suffices as a preliminary theoretical demarcation of the terrain, but for application in practice it needs to be more precise. We do not find a more precise definition in the description of ROE in the glossary on page 266, where ROE are defined as: "Rules for the application and use of force with military means, drawn up for a specific operation". The political dimension (the political-instrumental nature) in particular is missing from the definition of the concept. This inconsistency does not benefit clarity.

A description used within the Ministry of Defence of the Netherlands is: "(…) a means for the competent national or international authority to define limits to the application of force by units under that authority"[6].

This description is also insufficiently clear, because there is no indication as to what is understood by 'means', and because there is no clarity as to the definition of the 'competent authority'.

The Operational Law Handbook of the United States Army gives two definitions of ROE[7].

- A definition intended for the strategic/operational level:

"ROE are directives issued by [the] competent military authority to delineate the circumstances and limitations under which its own naval, ground, and air forces will initiate and/or continue combat engagement with other forces encountered. They are the means by which the National Command Authority and operational commanders regulate the use of armed force in the context of applicable political and military policy and domestic and international law".

- A practical definition intended for the operational/tactical level: "ROE are the commander's rules for the use of force".

A parallel emerges if these definitions are compared with the one given in the RNLA Military Doctrine publication, although the two American definitions are more consistent.

The first definition is tailored to the American national government, and exhibits a number of strong points. If we read National Authority as being 'political leadership', the connection between political leadership and ROE as a means to a political objective is rooted in the definition itself. A second advantage of this definition is that it contains an accurate interpretation of the concept 'engagements'. It not only concerns the application of force in a more limited sense, the use of force'), but 'combat engagement'. Combat engagement is more that simplify armed military force, it also includes the activities related to that force.

The second definition appears attractive because of its conciseness. However, it must be used in connection with the first definition, because it is too vague when used alone (it could then also include purely military-tactical limitations relating to the opening of fire. Furthermore, one wonders whether, in a conceptual sense, the use of several definitions for the same concept is to be recommended. A.S. Paphiti describes ROE as: "(…) the means by which restrictions are placed upon – or authorisation is granted for – the use of force by military personnel (…), they regulate and control military escalation. These restrictions/ authorisations are influenced by both military and political considerations (…)"[8].

The political dimension and the objective/ means relationship are not sufficiently expressed in this description.

NATO document MC362 of June 1997 gives the following definition of ROE: „ROE are directives to military forces (including individuals) that define the circumstances, conditions, degree, and manner in which force, or actions which might be construed as provocative, may, or may not, be applied. ROE are not used to assign tasks or give tactical instructions. With the exception of self-defense, during peacetime and operations prior to a declaration of counter aggression, ROE provide the sole authority to NATO forces to use force. Following a declaration of counter aggression, ROE generally limit the otherwise lawful use of force".[9]

This definition is remarkable on two counts. Firstly, because it is preceded by an introduction (Part 1,1 Introduction) which contains elements of a definition that cannot be found in the definition given on page 21-1 (Part 1,2 Definition). Secondly, because it is not a definition, but rather instructions for and an explanation of the application of ROE.

Finally, the article by G. R. Philips entitled 'Rules of Engagement, A Primer' merits attention. The article discusses problems of definition and the resultant lack of clarity.[10]

The casuistic approach of ROE may be likened to entering an unlit building at dusk, without preparation. By getting to know the separate rooms and corridors. It is ultimately possible (after the expected stumbling and falling) to familiarise oneself with the entire building. Yet it is also possible to try to study the floor plan before entering the building (if, of course, a floor plan exists for the building). This also makes it easier to familiarise oneself with the individual rooms. Below we will sketch the main outlines of a 'floor plan' for the ROE.

Controlling the application of military force

General

Von Clausewitz was of the opinion that in theory, war – as an isolated occurrence in abstract and absolute form – would allow unbridled force. But he actually corrects this image himself, by acknowledging that such a situation will not occur in practice. After all – he states – in reality war is not an isolated abstract occurrence, but a social phenomenon, embedded in social and political relationship. This fact means that limitations will always be imposed on the application of force.[11]

In the twentieth century, the principle is acknowledged that force (in any form whatsoever) is unacceptable, unless by way of an exception, for very good reasons and under strict conditions. The most important exceptions are self-defence and the upholding of the national and international rule of law. The most important limiting conditions are necessity and proportionality.

Self-defence using force may be permitted as:
- a right (the right to self-defence)
- grounds for justification (for force).

At the international level, the right to self-defence is accorded to states (under article 51 of the United Nations Charter). At this national legal level, self-defence as grounds for justification occurs in the form of the grounds for exemption from criminal liability, self-defence as a legal excuse, accorded to everyone in principle. The distinction between self-defence as a right and self-defence as grounds for justification might seem to be legal hair-splitting, but it is more important than one might think. The failure to acknowledge this distinction may lead to misunderstanding and, for example, problems in establishing ROE. We must therefore devote extra attention to this aspect.

For the upholding of the national legal order, one should think in terms of police action. For the upholding of the international rule of law, one should think in terms of military operations authorised by the United Nations (Chapter VII of the Charter).

Control: modalities and reasons

The application of regular military force sterns from states, coalitions of states or comparable political entitles. Formally, control of this application of force is the exclusive (shared) responsibility of the political leadership and of the military leadership, with the ultimate responsibility resting with the political leadership. In addition, there is informal and indirect social control. Social involvement in the application of military force has increased significantly, especially as a consequence of media coverage. Public opinion may (and will often) exert influence via the political and/or military leadership on the regulation and control of the application of military force.

There are countless reasons for the regulation and control of the application of military force. Below is a summary of prevalent reasons, in which, incidentally, moral norms and values also play a significant role. To structure the summary somewhat, we have made a distinction between legal, political and military reasons for control. However, the distinction must not be seen as absolute; inevitably, there are instances of overlapping – we have focused on where the main emphasis lies.

- Control for legal reasons.

Both international and national law necessitate the control and regulation of the application of military force.

- Control for political reasons.

The following must be mentioned in this respect: coordination with the political objective; the necessity for or desirability of international political support (including the requirement for consent in the case of, for example, peacekeeping operations), the necessity for national political and social support (the role of the media); the necessity for or desirability of crisis management (escalation dominance); financial and economic (trade) interests; environmental interests; post-conflict interests (the necessity to carry on together).

- Control for military reasons.

Military reasons for the control and regulation of the application of military force are manifold. For example: escalation dominance; maintenance of initiative and momentum (maintenance of freedom of choice, management of the factors ‘where’, ‘when’ and ‘how’); optimal employment of scarce means with maximum effect; synchronisation of military effect with political effort (in accordance with the political objective and the political directives); but there are also reasons of discipline and military professional ethics (consideration for and protection of the defenceless and incapacitated, military self-respect and respect for an adversary, in short ‘old-fashioned’ beliefs regarding chivalry on the battlefield and military honour).

Partially overlapping moral norms and values play an important role in the regulation and control of the application of force. These norms and values have been incorporated to a significant extent in legal standards, and have thus been given statutory force.

These moral norms and values, however, can also play a significant role outside the law, as they exert influence on certain social, political and also military rationales for the regulation and control of force. For instance, international law does not prohibit armed forces chaplains from bearing or using arms. For ethical reasons however, this right may be precluded nationally and unilaterally. In addition to the law of war, moral norms and values can also impose limitations on the choice of means and methods of warfare. Even though the law of war allows the use of certain weapons, a state may decline from doing so for reasons other than legal ones (compare the discussion and progress regarding anti-personnel mines).

Conclusions

Two important, generally applicable conclusions may be drawn from the above.

- Firstly, the application of military force will always be subject to legal, political and military limitations. In principle, it makes no difference whether we are talking about an operation as a belligerent party in an armed conflict (war) or as a neutral party in a peacekeeping operation. There may well be a shift in emphasis between legal, political and military limitations, but there will always be limitations nonetheless.
- Secondly, these limitations will not only concern the application of force in a true sense, in other words the actual use of arms, but also the threat of force and force-related activities, such as preparatory measures to prevent the provocation of force. After all, the application of force is not an end in itself – that would constitute gratuitous violence – but a means to an end. The essence is to impose our will on the adversary (or the other party). In certain circumstances this means imposition of will by coercion. But in doing so we must not reach for a heavier asset as long as radical

means serves – or appears to serve – our purpose (compare the above summary of reasons, such as escalation dominance).

Political and military control of the regulation and control of the application of military force is therefore always a necessity. The image of a guard dog on a leash springs to mind. The owner or guard can use the dog merely as a threat, he can let the dog out of its kennel, but keep it on a short leash, he can give the dog more freedom by lengthening the leash a little, and finally he can let the dog loose. But even then he must still be able to control the dog (and otherwise not let it loose), to prevent the cure becoming worse than the disease (or even turning on the user).

The function and nature of ROE

Introduction

In the preceding paragraph we concluded that the application of military force will always be subject to legal, political and military limitations. What is the function of ROE in this context? It should be clear by now that ROE are not an end in themselves, but that they act as a means to an end. That end is – generally speaking – the control of the application of military force and related activities. To achieve that end, however, there are more and, indeed, different means than ROE imaginable.

The question that can and must be asked, therefore, is 'what distinguishes ROE from other force-regulating means?'. Which characteristics distinguish ROE from means such as agreements under international law, mandates, national laws and statutory regulations, disciplinary systems, governmental decrees, nationally proclaimed restrictions on the development and/or use of certain weapons systems, military-autonomous education and training philosophies and programmes, and military plans, orders and regulations?

After all, this question demand a satisfactory answer if ROE are to be regarded as an autonomous means. To this end, we will have to look closely at both the objective and the means. We will, therefore, have to focus more clearly on the precise function and nature of ROE.

The function of ROE

The primacy of politics requires political control of the military leadership. However, the primacy is not so far-reaching that every form of military operation, every tactical manoeuvre, every combat action is so politically relevant that it should come under direct political control. After all, the need for political control exists for particular reasons, and the military leadership has its own responsibilities and competencies (the principle of 'every man to his trade' applies in full force in this respect).

Ultimately, the point is that the political leadership must be able to live up to its (end) responsibility in the area allocated to it. We can call this ultimate objective of the control. To that end, the political leadership requires control of military operations by means of regulation an management of the operations (this could be called an intermediate objective). With that objective in mind, the political leadership can give the military leadership an assignment. In doing so, they will indicate the limits as to what they regard as being permissible in the military implementation of the political assignment. And, as we have established, this will always entail limitations. In order for the military level to be able to observe – and the military leadership is obliged to do so – the limits set at the political level, these limits must be 'translated' into military terms. This 'translation' is thus necessary in order to do justice to the political control function.

Furthermore, all commanders will want to regulate and manage the military operation taking place under their responsibility, for military autonomous reasons (which do not, as such, have any political or legal significance; such as purely military-tactical, combat-technical, military-logistic and military professional ethical reasons).

However, this modality of control must be regarded as clearly distinct from the one mentioned earlier. The political control function demands regulation and management of military operations, insofar as these operations might have political repercussions in a direct sense. In other words they could be of direct functional relevance for the political leadership, and in this respect, as well as the direct responsibility of the military leaders they also – and in particular – directly bring the responsibility of the political leadership into play. Regulation and management of military operations for reasons of military autonomy of course belong to a different category; they only bring responsibility of the military leadership into play.

It would seem desirable for this distinction also to be expressed clearly in the available resources for attaining the set objectives. In order for the political leadership to be able to live up to its responsibility for military operations (ultimate objective) by means of regulation and management of the military operation (intermediate objective), we require other means of control than we do for successfully engaging in combat, even though the intermediate objective would appear the same for both cases.

We would like to see ROE as a means of control reserved for military-operational activities that might constitute a direct influence on the responsibility of the political leadership. Bringing the responsibility of the political leadership into discussion could then serve as a distinguishing criterion.

The nature of ROE

The nature of ROE is determined largely by their function. As we have seen above, ROE are a means to achieving a specific objective. ROE derive an instrumental character from this objective-means relationship.

The instrumental character of ROE involves a number of consequences. ROE must be effective; suited to achieving a certain, specific objective. ROE must enable the political leadership to live up to its responsibility in respect of a military operation by means of goal-oriented regulation and management of the operation. This sets requirements for the form and content of ROE.

We will discuss the content of ROE in further detail later on this article. At this point, we will confine ourselves to making three comments. Firstly, the nature of the operation is significant; are we dealing with a regular military operation in an armed conflict, or with a different type of operation (peacekeeping, for instance). In the latter case military activities (down to the lowest military levels of command) could bring the responsibility of the political leadership to the fore at a much earlier stage. The second comment is closely connected to this aspect: the content must always be related to a direct political relevance of the military operation in an armed conflict does not belong in the ROE; on the other hand, fire-opening regulations in the context of a military peacekeeping operation do. Thirdly, the content of ROE must be clear, and whatever form it takes it must contain instructions regarding the desired method of operations in concrete situations. Furthermore, one must avoid repetition of what has already been laid down in other instruments (treaties, regulations, standing orders and suchlike). ROE must constitute a clear guideline for military action in concrete circumstances.

Various questions may be asked with regard to form. Should ROE be moulded in the form of instructions, guidelines, pointers, or perhaps (also) in the form of do's and dont's? Should ROE have the form of a standing order, or is the form of an annex to an operation plan/order more appropriate? If we take the objective-means relationship and the instrumental character as a point of departure, the means of ROE does not need exclude any of these forms. The form chosen will depend on the circumstances; combined forms are of course also possible in this respect. In this regard, the levels of command for which the ROE are intended will also be significant. The highest military levels of command will require more elbow room, more scope, more freedom to make decisions than will the lowest levels. This means that at highest levels the emphasis might lie more on ROE in the form of guidelines, whereas at the lowest levels the ROE would appear more suitable in the form of instructions or do's and don'ts. At the intermediate level, a combined form might be the most suitable. The required legal, political an military enforceability will also play a role.

These last comments bring us to the end of this paragraph on the question regarding the legal nature of ROE.

Together with .B. Kroon and M. Jacobs, we are of the opinion that the legal status of ROE is problematic. Yet by approaching the problem from different angles, it can be made more understandable. We will, therefore, take a different approach than the one used by Kroon and Jacobs[12].

ROE themselves are not pure rules of law. They have a political, a legal and a military significance. However, this mixed significance is not neatly packaged in a recognisable, autonomous category of rules of law; they are rules with a combined character. Nor do ROE themselves form a necessary condition for lawful military operations. Soldiers belonging to a belligerent party in an armed conflict in principle act lawfully if they do not transgress the limitations of the law of war (compare article 38 of the Dutch Military Penal Code). In principle, soldiers forming part of a peacekeeping force act lawfully simply by remaining within the limitations of the legitimising mandate (of, for example, the UN).

What, then, is the legal importance of ROE? The law of war and, for example, a UN mandate offer soldiers powers to apply force in certain circumstances; force that would be unlawful without this legitimising basis. To be able to qualify force as being legitimate, not only must it have a legitimate basis, but it also always be applied in accordance with the principles of subsidiarity (not using heavier means as long as the objective can still be attained with less drastic means) and proportionality (the balance between objective and means). These limiting principles will often be incorporated in statutory provisions and the provisions of a treaty. However, even if this is not the case, these principles apply in unwritten form. It is always so that the application of force may never exceed that which is necessary to attain legitimate objectives. Furthermore, unintended damage, in other words damage as an unintentional side-effect of the application of force (collateral damage) must be avoided as much as possible. From a legal perspective, ROE may be regarded as the concrete form of the legal principles of subsidiarity and proportionality for a particular military operation.

ROE may then be qualified as being (international) politico-military policy rules, and further instructions based on these rules, in which the legal latitude for the application of force (and use of this force) is crystallized and restricted. This does not mean to say that ROE cannot therefore have legal consequences will (possibly) only be indirectly felt in a wide variety of branches of law, such as international law, criminal law, disciplinary law, administrative law and civil law. For instance, failure to observe a rule in the form of an ROE limiting a particular form of military force may not in itself be a punishable offence under criminal law, but failure to observe the rule may result in the application of force losing justification, rendering it – and its consequences: death, injury, material damage – liable in principle to criminal prosecution.

Primary factors of influence

Introduction

A considerable number of factors influence the content and form of the ROE to be formulated. Some of them could be labeled 'primary factors', as they determine not so much the content of individual rules, but more the basis and the structure of the ROE as whole. However, it would be going too far to deal with all of these factors here. We will therefore confine ourselves to the following factors:

- the role of the military instrument;
- the ROE recipients;
- the right to self-defence;
- international law, in particular humanitarian law applicable to armed conflicts.

We deal with these factors briefly below, paying special attention to the problematic concept of 'self-defence'.

The role of the military instrument

With a view to formulating ROE, it is advisable to bear in mind the distinction between main and subsidiary tasks of the forces. The core task, and also the rationale of forces, is to conduct combat operations, or the ability to do so. Subsidiary tasks (varying from peacekeeping to support of humanitarian relief operations) can be categorized under the denominator of (international) military assistance and support.

In the latter situation, the role of the forces is a supporting one. The military instrument is deployed by the political leadership to support other, non-military efforts (civil, diplomatic, humanitarian, economic and the like). The connected context of the efforts as a whole and the objective of these efforts result in the point of departure that in principle no military force will be applied other than, by way of exception, in precisely described cases.

An entirely different situation exists with regard to the implementation of the main task. The political leadership has then opted for the most extreme means. The military instrument plays a decisive role. The logical point of departure in this respect is that military force must not be regarded as an exception, but as the rule; limited only by the maw of war and political and military parameters.

When drawing up ROE, this distinction cannot be ignored with impunity. It would be fundamentally wrong to subject the forces participating in a combat operation to limitations that are characteristically intended for military assistance or relief operations[13].

The ROE recipients

On the basis of the requirement of practical applicability, before ROE are established and issued, there must be clarity as to for whom they are intended. The different levels of military operations must also be taken into account in this regard. Are the ROE to function at the strategic level, the operational level or also at the tactical level?[14]

In the first place, ROE will be directed at commanders. These will at any rate be commanders who, during the operation, have such a level of responsibility for military actions that the responsibility of the political leadership might be brought directly into play. The extent to which this is likely to be the case is of importance to the content and form of the ROE to be drawn up. On the basis of the military distribution of responsibilities and powers, and because of the requirements of practical applicability, from a conceptual perspective it is not a natural conclusion to declare ROE directly applicable to individual soldiers functioning at the tactical level of implementation. Commands, orders and instructions based on the ROE are applicable to these soldiers; these commands, orders and instructions may not be in breach of the ROE. ROE must therefore be formulated in such a way that, from the perspective of efficiency, they can be 'translated' into clear, easily applicable commands, orders and instructions for individual soldiers. ROE can apply directly to the individual soldier acting at the operational level (for example as a member of a small special team).

Self-defence

Self-defence in general

No matter which ROE we look at, the term 'self-defence' always plays an important role. The term 'self-defence' is more complex that it might seem at first sight. It is therefore desirable to focus more attention on this concept and the role it plays as an influential factor.

Before doing so, we would like to point out that the concept of 'self-defence- has several meanings; one would like to point out that the concept of 'self-defence' has several meanings; one would do well to bear in mind the differences. The military concept of 'self-defence' has a different meaning to the identical name in a legal context. Furthermore, we should point out that self-defence in general involves more than simply self-defence using force; it also incorporates a variety of non-violent, protective measures and actions. Unless expressly indicated otherwise, we will henceforth use the term ' self-defence' as a legal concept meaning self-defence using force (without, incidentally, going into legal details).

Right and grounds for justification

Self-defence can be acknowledged (and conferred) both as a right and as grounds for justification. It is conferred as a right to states in particular (UN Charter, art. 51); as grounds for justification, self-defence is conferred to all individual citizens in the national criminal justice systems (universally recognized grounds for justification). A right and grounds for justification are not one and the same thing. A right confers powers (and obligations) in advance; grounds for justification only justify retrospectively an action and its consequences, for which there was no prior entitlement. Thus the right of self-defence offers states numerous possibilities to apply military force, not least in terms of time/span. From a legal point of view, the exercising of this right is restricted only by the principle of proportionality and by humanitarian law. Self-defence as grounds for justification (self-defence as a legal excuse) offers considerably less scope. If we look at Dutch criminal law, we can see that the individual citizen has not legally (under criminal law) been given the right, if attacked, to wound or kill his attacker in order to defend himself.

The moral claim to self-defence is not acknowledged as a right under criminal law for a number of reasons (in particular apprehension of unwanted forms of taking the law into one's own hands). However, if it is established retrospectively that the involved party acted out of the need to defend himself and/or another, criminal law acknowledges this, by legitimising the method of action in retrospect as being self-defence as a legal excuse, thus eluding liability to punishment. Anyone can plead self-defence as a legal excuse, but in order to do so successfully, stringent conditions must be met: immediacy, subsidiarity and proportionality.

Finally, there is an important difference with regard to onus of proof. If someone invokes a right, it is in principle assumed that they do so rightfully. It is up to the other person (the other party) to prove otherwise. On the other hand, if they invoke grounds for justification such as self-defence as a legal excuse, then the onus of proof is reversed. Anyone who pleads self-defence as a legal excuse must make plausible the rightfulness of this plea.

The military-operational context

What role does 'self-defence' play in a military-operational context (as expressed in the ROE for an operation and what role should it play? In order to answer these questions, we must look at the practical situation, the objective and the applicability of the concept.

Of one looks at a mandate and the ROE for military peacekeeping operations, it is noticeable that the use of force is regarded as an extreme means, legitimised as self-defence. On the one hand, this appears to include situations that could be labelled self-defence as a legal excuse, on the other hand there are situations in which, in the absence of an alternative, obstruction of the implementation of the mandate may be counteracted with minimum necessary force (compare, for instance, UNIFIL and UNPROFOR). A distinction has occasionally been made in this respect between self-defence in a narrower sense (to be compared with self-defence as a legal excuse) and self-defence in a broad sense (to be compared with the right to self-defence). Nevertheless, there is something to be said for both notions. In an international force this often puts pressure on a uniform explanation. One national contingent uses the concept of self-defence as a legal excuse, whereas another contingent has a broad interpretation of the concept of self-defence as a right, and even takes it to include offensive actions. In the case of the national contingents that tend to adhere to the notion of self-defence as a legal excuse, this appears to be strongly dictated by a need to avoid risks and prevent problems relating to onus of proof. In turn, this might put pressure on the successful implementation of the mandate.

As far as operations in an armed conflict are concerned (including peace enforcement), it can be said that 'self-defence' only recently became a significant factor in the context of ROE. This development was, without a doubt, brought about by experiences in peacekeeping operations. But what purpose can be served by this legal notion in a situation in which force is the point of departure? Not least because the applicability in peacekeeping situations is already a problem.

The application of the concept of 'self-defence' in the military-operational practical situation gives a confusing picture of blurred conceptions and problems relating to interpretation and application. What causes this picture, and how can it be prevented?

The confusing picture and the related lack of clarity may be attributed to two main causes. Firstly, one loses sight of the legitimising basis for the use of force.

Secondly, use of the concept of 'self-defence' does not follow a legal principle, but follows two concrete forms of a principle (self-defence as a right of states, and self-defence as a legal excuse as grounds for justification for individual citizens), which are intended for entirely different target groups in entirely different circumstances than for forces, military units and military personnel in action.

Self-defence – be it in the form of a right or of grounds for justification – is the legitimising basis for the use of force by states or the application of force by individual citizens respectively. Self-defence, however, is not a legitimising basis for the use of force by the armed forces. For the forces – which derive their very raison d'être from the military use of force (which can hardly be said for states and individual citizens) the legitimising basis lies in the task assigned by the responsible political leadership (of states, coalitions of states or the UN). In this respect it makes no difference whether the mission is a war operation or a peacekeeping one. The political task (or the mandate) legitimises the use of force by the armed forces, with the exercising of that authority naturally being subject to further rules.

The legal concepts of 'the right to self-defence' and 'self-defence as a legal excuse' have no useful, independent meaning, neither in the operations of a peacekeeping force. In an armed conflict the concept is incorporated fully in the law of war and the ROE drawn up for an operation, and in non-armed conflict situations in the legitimising mandate and the ROE based on that particular mandate. In the latter case, concepts such as 'the right to self-defence' and 'self-defence as a legal excuse' are not necessary; what is needed are powers to use force – formulated precisely and in clear language – in which it can be assumed that the principle of the right to self-defence is incorporated.

The formulation of these powers in a mandate such as this could, expressed very simply, be expressed as follows:

„In order to implement the mandate, participating military units are granted the following powers for the use of force:

- For the necessary military local protection of units, individual military personnel and military equipment, commanders are authorized to (etc.);
- For the remainder (etc.);

The exercising of these powers will be further stipulated in the ROE to be issued by the Force Commander".

Finally, a last comment about self-defence as a legal excuse. Self-defence as a legal excuse could play a part in the case of unarmed military personnel acting as UN observer or ECMM monitor, and in cases in which military personnel may be regarded as being off-duty. However, the concept of self-defence as a legal excuse does not need to be laid down separately for these exceptions, because in those cases there is always the possibility of pleading self-defence as a legal excuse; in a legal sense, there is then no actual difference between military personnel and an individual citizen.

Balance

For military forces involved as a warring party in an armed conflict, the right to self-defence is incorporated fully in the general power to use military force in war operations, subject to the limitations of the law of war and the ROE established for an operation. For military forces involved in a conflict without being party to the conflict, the right to self-defence is incorporated in the powers to use force given in the legitimizing mandate, and the ROE based on the mandate.

From a practical point of view, the right to self-defence plays no significant role in a military-operational context. On the contrary, from a practical point of view the use of the concepts of 'the right to self-defence' and 'self-defence as a legal excuse' often leads to confusion and unwanted consequences. There is, therefore, a great deal to be said in favour of not using these terms in a military-operational framework. But a more symbolic dimension is also involved here; the 'right to self-defence' as a 'statement of principle', which military personnel may also invoke should the need arise. To suddenly drop this statement from ROE would also lead to confusion and unwanted consequences. We therefore feel it would be useful to continue to include the self-defence clause for now, albeit only in a symbolic sense, and to aim towards dropping it in the longer term. (N.B.: obviously this would not invalidate the applicability or the principle, it would merely no longer be expressly mentioned).

International law

As readers will doubt be aware, international law relevant to the military covers more than humanitarian law alone. However, we will confine ourselves to making two brief comments about the meaning of the law of war for ROE.

• In the first place, one should bear in mind that the law of war is only applicable in the case of an armed conflict and – apart from one or two examples that bear no relevance in the context – applies only to the belligerent parties to the conflict. Thus the law of war is not, in principle, applicable to a peacekeeping force. This should be taken into account when drawing up ROE.

• Secondly, the following deserves our attention. If the law of war is applicable, one must beware of simply repeating the rules of the law of war in the ROE. However, if a certain rule of the law of war is particularly relevant in the context of the planned military operation, it is recommended that this be incorporated in the ROE in concrete form and tailored to the operation. Thus the senior commander responsible for the implementation of the operation could reserve the right in the ROE to take the decision to attack certain targets that are highly 'sensitive' in terms of the law of war. Incidentally, we would like to reiterate that in an armed conflict the law of war always applies, even in cases where no ROE have been established at all, and the ROE must never be in breach of the law of war.

Description of ROE and concluding remarks

A description of ROE

On the basis of the above, we are now able to provide a general description of ROE (we would prefer to use the term 'description' rather than 'definition', because we regard a description applicable in practice to be more important than the pretence of an academically responsible definition). The description should express the function and the nature of ROE and their political dimensions.

ROE can, therefore, be described as follows:

- military policy rules with a view to the regulation of military force and related activities, as well as instructions based on these rules, which the military leadership responsible for an operation have drawn up for and issued to the units under their command, on the basis of the task and guidelines issued by the political leadership, with no other objective than enabling, by regulating the use of force, the political leadership to exercise its political responsibility for the military operation.

In this regard, 'responsible military leadership' must be taken to mean: the senior military authority responsible for the operation (a Chief of Defence Staff, Commander in Chief or commander), as well as the subordinate commanders in the military command structure, who possess to a relevant extent responsibilities, powers and freedom of action during the preparations for and implementation of the operation. ROE are a necessary military translation of the political assignment and political guidelines. The political leadership itself does not establish ROE as a rule. This does not, however, detract from the fact that the political leadership, should the case arise, reserves the right to approve the ROE of the senior military authority. As a rule, individual soldiers do not directly receive ROE, but they receive commands, orders, instructions and (possibility) guidelines, which are based on the ROE, and thus are in accordance with the ROE, for example a use of force instruction. To declare ROE as being directly applicable (as a rule) to individual soldiers would not only result in considerable problems related to application, but it would also lead to deformation of the concept.

Secondary considerations

What may be expected of ROE and what may not? To begin with the second part of the question, what may not be expected of ROE? One cannot expect ROE alone to be (potentially) sufficient to bring about the intended regulation and control of military force. It would be a grave mistake to think that one could achieve the intended goal with a type of bureaucratically tinted thick handbook full of detailed rules about permitted force (and limitations thereof). This would only serve to put the involved commanders in a straitjacket, resulting in every instance of the application of force becoming a problem.

The only guarantee of ROE attaining their objective lies in the quality of the commanders and the soldiers placed under their command. The required control of force, in other words the correct application of ROE (in whatever form) requires commanders with excellent leadership qualities and soldiers who are fully familiar with their weapons and the entire range of possible military force activities, and who – as a result of selection, education, training and experience – possess the mental suitability and the professional skills necessary to apply military force in a disciplined controlled and legitimate fashion in all manner of conditions.

What can be expected from ROE is that, in terms of applicability (regarding content and form), they can serve as a practical guideline to commanders in operational conditions that are incomparable with peacetime conditions. A guideline that, on the one hand, clearly indicates the limitations as to where, when and how, and what type of force is permitted; on the other hand, does not impose any more limitations than are necessary, enabling military 'professional' to carry out their task responsibly. The success of ROE hinges entirely on the quality of the military personnel who have to apply these rules and adhere to them in the complex and as a rule very difficult operational situations. Military personnel who are not of the right quality considerably increase the chance of, on the one hand, no force being applied when it is necessary, and on the other hand responding with excessive force when restraint is actually called for. Furthermore, this considerably increases the likelihood of violations of the law of war and of the ROE. An official policy that results in soldiers' not functioning in a proper way contributes to undermining the legality of military operations. Such a policy will ultimately have a counterproductive effect at decisive moments.

Returning once again to an earlier metaphor: a guard dog should not be replaced by a lap dog.

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NOTES:

1 See, for example, W.B. Kroon and M. Jacobs, MS166 (3), 124 ff.; and W.B. Kroon and J.B.C. van der Veer, MS166 (1997) (10), 463 ff.

2 As witnessed by the literature quoted throughout this article.
3 Military Doctrine, Royal Netherlands Army, SDU, The Hague (1996).
4 Cf. the development of NATO document MC 362.
5 For the purposes of this article, page numbers refer to the English translation of the doctrine publication.
6 Directorate of Legal Affairs, Rules of Engagement, The Hague, 1992.
7 Operational Law Handbook, US Army, JAG School, Charlottesville, Virginia, 1996.
8 A.S. Paphiti, Rules of Engagement within multinational land operations, MRT 1996, p. 1.
9 MPC 362, draft, August 1997, 2-1.
10 G. R. Philips, Rules of Engagement, A Primer, The Army Lawyer 1993, ff.
11 C. von Clausewitz, Vom Kriege, Princeton edition, M. Howard and P. Paret, Carl von Clausewitz, On War, Princeton, Princeton/Oxford, 1989, p. 75 ff.
12 See W. B. Kroon and M. Jacobs, Ibid., pp. 129-30; Cf. also N. Jörg, MRT 89 (1996) (2), p. 54, which is in keeping with the official instructions of the police force; however, see also the critical annotation by Kroon and Jacobs, ibid., p. 127. The fact that we take a different approach to the legal nature of ROE than do Kroon and Jacobs does not detract in any way from the merits of their approach.
13 For an example of the type of problem that may arise: see sir Peter de la Billière, Storm Command – Harper Collins, London (1992), pp. 140-141, 175-176: General de la Billière (the commander of the British forces in the Gulf from 1990 to 1991) clearly depicts the problems that resulted from differences in political limitations between the Americans and the British, as expressed in the American and British AIR-ROE respectively.
14 The US Army's International Law Handbook expressly takes into account the distinction in levels at the early stage of defining ROE. However, see our

THE OPERATIONAL LAW OF ARMED CONFLICTS REFLECTED IN THE PRINCIPLES OF JOINT ACTION

Colonel Professor Ion DRAGOMAN, PhD

The evolution of the international phenomena focuses its attention on the legal aspects of deploying armed forces. Without being the panacea for the human catastrophes caused by war, the international humanitarian law is often mentioned by mass media and specialists because it tries to draw the technical limits where the necessities of war have to stop and make room for the exigencies of humanity[1]. In 1625, Hugo Grotius, the founder of International Law, mentioned that: "violence, which reveals itself, especially during wars, is like a wild beast; that is why we have to try to tame it, using our humanity; otherwise, spending so much time in its presence, we shall become wild beasts ourselves"[2].

In 1877, a treaty on the law of nations mentioned that it was necessary for war to have a human face. In order to become human, war has to be quick, learned and, thus, less barbaric.

In 1941, Nicolae Daşcovici noted that the most striking characteristic of the World War was the amazing speed in which the events took place He underlined that, in the epoch of the Blietzkrieg or of the total war, the armed forces can use only armored combat and mechanized vehicles. These are able to move quickly, and have a huge firepower at long distance range. They can be used both on earth as well as at sea. The aerial attacks meet no resistance or an equal defensive force. The Romanian jurist reaches the conclusion that one should give up and surrender if he does not posses the means to counteract such attacks. The learned war resembles a lot to a surgical intervention; its success depends on the rapidity of the execution[3].

The futurologists shock us when they say that the Third Wave bloodless war will induce the appearance of a new generation of weapons, which will protect human life. We have reached a point in our history where the weapon development reached its highest limits of killing power. History reverses itself, and it is possible that mankind will concentrate its efforts for creating intelligent weapons, with a minimum of lethality[4].

We want to stress the fact that, unfortunately, the reality of the theatres of war is completely different. The military actions of the international coalition led by USA for Iraq disarmament are all but clean and human; in spite of the efforts made by planners and executants, in spite of the performing weapons, the effects of the use of violent armed means were striking to the eye. Many non-governmental and governmental organizations, governments, military, politicians and jurists think that the only solution to solve the problem is to sustain and develop the humanitarian international law. C.I.C.R., an international non-governmental organization, is empowered by the members of the Geneva Convention to supervise the way in which the humanitarian international law is applied. Its mission is universally acknowledged[5].

Even in the case of the International Right of Correction, the interventions in national conflicts (Somalia, Rwanda, Haiti, and Yugoslavia) were made based on the violation of the International Humanitarian Law[6]. That is why all the humanitarian conventions must be known and applied, especially those that refer to the military aspect (article 83 from the First Additional Protocol, 1977).

The military commanders (article 83 from the First Additional Protocol, 1977), and the legal advisers (article 87 from the Protocol) have a huge responsibility in the process. According to their importance, the commanders have to ensure themselves that their subordinates know and act according to the humanitarian conventions. They must sanction all the breaking of the law. The legal advisers must instruct the military personnel in this respect and they have to advise the commanders about the way in which they have to apply the law of armed conflicts.

For the military, as professionals, knowing and observing the principles and the norm of the humanitarian law is a matter of order and military discipline[7]. Humanitarian Law comprises two hundred international treaties, with four thousand regulations; it is obvious that their integration in the military training and in the military operations differs from a level of command to another. The common combatants must know the Decalogue of the combatant and the rules of engagement (ROE). At the level of strategic command, the personal must know all the regulations, the classification of both military and civilian objectives (article 52), and the classification of non discriminatory attacks (article 51). They must be aware of the conditions in which some goods have to be protected (article 51, 53-56, and 59-60), and the conditions in which the protection can be waved as a military necessity. They must know the cases in which the retaliation is accepted, as well as the legal aspects of non-hostile contacts with the enemy. The rules of neutrality and those of occupation are also very important.

The Romanian Armed Forces have a solid pre-war tradition in applying the norms of the humanitarian law, both in the military training, as well as in the military operations. The same tradition continues in the present. The Romanian state, had worked out the legislative and administrative measures for applying the humanitarian conventions. The 1968 Penal Code amends war crimes; The Regulations for the Military Personnel from 1995 mentions that orders are not to be obeyed if they are contrary to the Humanitarian Law.

The Regulation A.N. 4/1989 and the Regulation for Military Discipline state the commanders' obligations and force them to give orders according to the laws and the customs of war. The General Regulations for Conducting Military Actions (1996) has a great importance for the integration of the Humanitarian Law in military operations. It offers legal counselling to military actions. The General Regulations for Conducting Military Actions organizes the Legal Compartment of the General Staff. It mentions the documents that are to be filled by the Legal Compartment. It states that the planning of military actions has to take into account the International Law that applies for the armed conflicts. The multitude of aspects connected to the integration of the Humanitarian Law in the military training and operations amplify its meanings when we refer to an army that undergoes a process of reorganization.

The Romanian Military authorities have given their undivided attention to the understanding and the correct application of the specific legislation to the military domain. This is a vital element that ensures the continuity of the reforming process of the Romanian Armed Forces, and their integration in the European and euro-Atlantic security structures[8].

The Office for legal counselling and International Humanitarian Law has published in the recent years a lot of studies. Its activity is sustained and the results are reflected in the fact that the military personnel that had taken part in trainings, applications, and in peacekeeping operations proved a good knowledge of the law of armed conflicts.

Another stage begins at the beginning of a new millennium, when, the Regulation A.N.S.-1 (2001) stated that the main objective of the elaboration of normative acts, of military doctrines and manuals for the Romanian Army and to correlate them with the regulations existing at a national level, with the similar normative acts of the armies belonging to the states that are NATO members, as well as with the international treaties accepted by Romania. As a result in July, 2001, the Doctrine for the Actions of Joint Armed Forces came into effect. In the article no.15 it states:" any kind of action will deploy observing all the international treaties accepted by Romania, and the International Humanitarian Law".

Although there connection between the military art and the Operative Law is not expressed formulated, in the third chapter, dedicated to the principles of joint actions (art. 43-55), and to the fundaments of joint action, there is a dynamic combination between the military regulations and the legal aspects of warfare.

The Doctrine for the Actions of Joint Armed Forces underlines the fact that the training and the joint actions must observe the following principles: the objectives of the mission must be clear; the freedom of action; the synergy; the concentration of the efforts; the support; the flexibility; the economy of force; the element of surprise; the security of the action, and of the armed forces; the stages of joint actions; the coordination of the joint actions; the preparation of the armed forces. All these principles can be analyzed and interpreted from the perspective of the operational law of armed conflicts.

The fact that the objectives of the mission must be clear can be explained form the perspective on the article 48 from the I Additional Protocol (1977). This article contains the fundamental rule that forces the belligerent parties to make a difference between the civilians and the combatants, between civilian objectives and the military ones. As a result all the actions must concentrate on military objectives.

The principle of the freedom of action must be dialectically correlated with the principles of the law of armed conflicts, of the limitations on the warfare means and methods as stated in article 35 from the Protocol. The belligerent parties do not have the unlimited right to make use of any means or methods to conduct a fight. Some are banned, others have a restrict usage.

The concentration of the efforts on the vital points and on the centres of gravity is a principle that is put into practise. According to the article 47 from the Doctrine, the targets must be precisely identified. The weapons and the ammunition must be carefully selected, thus minimizing the collateral effects. The article 51 from the Protocol states that the attacks must be limited to military objectives. The article 51 banns attacks that make use of methods and means of fighting that could incidentally cause civilian damages and losses that can be considered excessive compared to the direct military advantages.

As a principle of the Joint action, the flexibility must take into account the principle of proportionality, as stated in the article 57 of the Protocol, called “precautions during an attack”. An attack should be annulled or interrupted if the objective proved to be a non-military one, or if it has a special protection. Article 57 from the Protocol mentions flexibility in another context. The commanders are obliged to choose targets that will present the least danger to civilians, and to civilian goods. The weakening of the enemy’s armed forces, in order to obtain the victory is the only legitimate goal of the belligerent states, as it is stated in the Declaration of Sank Petersburg, 1868. The principle of force economy can have various interpretations.

The Law of War mentions the fact that a military action has to use all its human and military resources in order to localize, and hit only the targets that have proven of vital importance, according to the principles of proportionality, discrimination and military necessity. It is against the law of war to use human and material resources to attack civilians, or the wounded. Such an action also contradicts the idea of forces and means economy.

The factor of surprise, and the misleading of the enemy, represents a principle of the joint action. It must take into consideration article 37 from the Protocol. The faking of a protected statute is incriminated. The war stratagems (camouflages, simulations, false information) are accepted.

The other principles of the joint action (the security of the operations, dividing the operation into stages, coordination, the training of the forces) have a support in the application of the operational law for armed conflicts. The national and the international law state the legitimacy and the legality of the joint military operations. This objective has to be sustained by all the military commandments.

The doctrine of the joint actions is the source for the Doctrine of the multinational joint operations, for the Regulations of the joint operations of the armed forces, and for the doctrines of the categories of armed forces. The Doctrine from 2001 for the multinational joint operations contains a whole section (articles 120-122) that refers to the legal aspects of the multinational operations; it also contains an annex (nr.28) that makes some remarks on the international law of the armed conflicts.

According to the article no.121 of the Doctrine, the international humanitarian law and the international law of the armed conflicts offer the legal frame for military actions, mentioning the aspects generated by the conflict, the persons authorized to commit hostile acts, the general principles generated by the war, the essential rules of the international law of war. The annex no.28 from the Doctrine contains some remarks on the legal limitations of the use of armed force. It mentions the legislation of armed conflicts and the jurisdiction of the Romanian military personnel. It also mentions the rules of engagement, and the fundamental principles of the international law for armed conflicts.

Translated and adapted by Alexandrina VLAD

NOTES:

1 As it is stated in the Declaration of Sankt Petersburg since 1868.
2 Hugo GROTIUS, **The Right of War and Neutrality**, Scientific Publishing House, Bucharest,1968, p.836
3 Nicolae DAŞCOVICI, **On The Right of War and Peace**, Alexandru A. Terek Publishing House, Iasi,1941, pg. XII- XII.
4 Alvin and Heidi TOFFLER, **War and Antiwar**, Antet Publishing House, Bucharest, 1995, pp. 152-164.
5 Oliver RUSSBACH, UN, **The Confiscated International Law**, CNI Coresi Publishing House, Bucharest, 1999, p.22
6 Iulia MOTOC, **Intérpreter la guerre**, Babel Publishing House, 1997, pp. 307 - 308
7 Frederic de MULIEN, **Manuel sur la droit de la guerre pour les forces armees**, C.I.C.R., Geneve, 1989, pg.11
8 The General Order of the Ministry of Defense no.51/1995.

CRISIS MANAGEMENT IN THE THEATRES OF OPERATIONS

Colonel (ret.) Vasile POPA

Some specialists[1] think that the crisis is a chain of unpredictable events that be solved by the multinational operations. The crisis has as main characteristics the following: the building up of a point of development for the flux of events, the necessity of a decision taking, and the decision itself. At least one actor has to bet on his fundamental values.

From NATO's viewpoint, the crisis has three important moments: peace, the crisis development (from disagreement to confrontation or armed conflict), and the crisis reduction (accompanied by reconstruction and the building of a new stability)[2]. To manage these moments one must action in order to avoid and prevent the crisis development to an armed conflict and to put an end to the hostilities.

The Alliance has identified five phases in the crises development:

1. The observation of the indicators and the warning about potential and actual crises;
2. The evaluation of the situation of a crisis in development and of its potential and its implications for NATO's security;
3. The development of the options needed to guide the decisional process of NAC/DPC;
4. The planning and the execution of decisions and directives of NAC/DPC;
5. A new stability.

The crisis development is a great challenge for political and military factors, for military and civilian structures; it is a very complex process, that also implies the reduction of tensions and impending their transformation into crises; great, dramatic efforts are made to manage and prevent the transformation of crisis into conflict. All structures must be prepared to face all types of crises, to control the answer in order to prevent the escalation and to determine the adversary to cease the attack and to re-establish the normality, after the end of hostilities.

The actions deployed in theatres of operations present many circumstances, which, at a certain moment, can lead to a crisis[3]. The commanders must identify these circumstances, and carefully supervise them, in order to prepare efficient answers to solve the crisis[4]. All those concerned can draw conclusions from this vast experience, which, in its turn can constitute a good starting point for the future actions of the military multinational structures engaged in crisis management, or in post conflict situations.

Lately, the theatres of action from Kosovo, Afghanistan or Iraq, presented a long row of antagonisms caused by ethnic and religious conflicts, by organized crime, by the proliferation of the weapons, and by the terrorism. The Romanian military had to use all their military capacity to face the crisis, and to try to find equilibrium for them.

It is a proven fact that the training and the experience of our troops helped our military personnel from the international structures and from the command of our own detachments to realize a correct short-term management of the crisis, without dysfunctions and without loosing the control over the situation.

The transfer of experience realized in the country has offered to our personnel the possibility to act systematically and efficiently, preventing the transformation of the crisis into a situation of high risk, followed by human loses.

Everywhere, the answer to a crisis was conscious, and to a great extends, preventive, anticipative, offering concrete solutions, which were finalized in fulfilled actions.

Using a critical analysis, the military specialists managed the crisis stating the kind of crisis they dealt with; its geographical spreading; the forces and the means engaged in the crisis; the structures needed to solve it, as well as the possible evolution of the crisis.

The complex analysis of the crisis in the theatres of operations, where the Romanian troops had taken part in the past years, uncovered a good knowledge of the crisis, through carefully collecting of data and information, analyzing and structuring them, and through drawing the right conclusions.

These types of activities, were practiced for long periods at the National Defense University and ant the courses organized by the Alliance. Each minute detail was scrutinized. The following aspects were taken into consideration: the local characteristics; the political, economic and spiritual aspects; the linguistic and religious features of the zone; the political vulnerabilities; the ethnical complexity; the existent rivalries; the latent tensions; the fragility of a peaceful co-existence between ethnical and religious communities.

The national leadership from the theatres of operations had undergone an evaluation and had diagnosed correctly the crisis, identifying their causes, the background of their development, the objectives to accomplish and the means to accomplish the objectives, as well as the vulnerabilities of the belligerent parts

The correct evaluation of events helped with the unraveling of all the implications on the fight capabilities of our units. The Romanian commanders had promptly forecast of the crisis evolution. They correctly determined the objectives, anticipating the actions and the vulnerabilities.

The precedent from Bosnia and Afghanistan, and from other theatres of operations in which Romanian Armed Forces had taken part, helped our country to distinguish itself through the professionalism of the graduates of our university. They facilitated the solving of all the problems concerning the planning, selecting, and preparing the new contingents to be sent in Iraq.

Our military leaders proved, with each situation, that they were remarkably well prepared by the National Defense University and by other military universities outside Romania. They adapted themselves rapidly to the changes caused by an unpredictable and intelligent enemy.

The quality of the command and execution acts, shaped on the previous training as well as on the continuous training parallel to the accomplishment of the missions in the theatres of operations, led to a professional solution for the entire crisis. The actions were perfectly organized; the military leaders strictly supervised the crises and the efforts to solve them. They established the correct use of forces and means, the way of action. The military leaders supervised the influence of the actions on the strong and the weak points; they also supervised the military bases and the depots.

The medium in which the crises proliferate is one of cultural and religious differences. This kind of differences is more profound than the differences caused by political, economic factors. The hostilities between the groups, the incompatibility of interests, the oppression the total inconsideration of human rights, the terrorist implications are also crises generators.

The risks are numerous and diverse. They have become more and more critical. If we are to compare the key-limits of the past actions (missile attacks, ambushes, artisan mines, malaria, etc) to those of present actions, we can affirm that the Romanian military personnel have strategically approached the crises through an efficient and comprehensive management; they have succeeded to put an end to those crises using dialogue and cooperation, partnership and good relations with the local communities and authorities, with population, in general. At the same time, they had taken ample measures to protect the armed forces, to counteract the risks and the threats of a hostile environment. The Romanian military had operated in a well establish frame. This frame was well regulated, and strictly controlled. The command was shared in cooperation with our allies.

Our military staff demonstrated their abilities in determining the involved parts to sit at the green table and to reach an agreement that had to prevent or to stop armed confrontations and human loses. Our military personnel was respected and appreciated. The experience they had gathered here was a great asset to them; it also helped the next echelons that came into the theaters. The mastering of the information got in a continuous flux is very important in the crises management. There are also other factors very important for the crises management like the promoting the military diplomacy in the relationships with the belligerent parts, their reconciliation, finding all the possible means to limit the extension of the crises.

The capability of the commanders to make decisions based on uncertain information, to take into account a multitude of critical elements and their flexibility of thinking had a great impact on crises management. The commanders were able to adapt themselves to the complexity and the diversity of the situation, concentrating on the most important elements.

The strategy for the crises management reveals the solid training of our military:

- The coherent vision for solving the situations from the theatre;

- The quick and logic evaluation of the situation;

- The solid argumentation for the decision taken;

- The available forces and the resources were used in a realistic way.

In the international missions, the Romanian officers played an important role in preventing the outburst of destabilizing actions. They knew how to neutralize the terrorist- diversionist elements and other illegal armed groups. The commanders had baffled the attempts to block the lines of communication to some major objectives, to limit or to obviate the effects of the attacks, to contribute to the liberation of some politic and administrative objectives, illegally controlled by extremist or paramilitary groups.

At the level of Joint Commands, our staff officers had accomplished their mission through respecting the procedures. They planned the actions and finalized them. In complex and new situations, they were able to adapt the procedures to their specific.

The operative and administrative command of the armed forces in the theatre of operations from Iraq, Afghanistan, Bosnia-Herzegovina and Kosovo confirms the development of the Romanian officers' capability of command. The capability of command was demonstrated at all echelons and for the entire spectrum of operations led by NATO and in the campaign against international terrorism.

The Romanian officers from the joint forces had demonstrated that they were able to take decisions in limit-situations. They could decide the anticipatory coordinates for the actions. Even if they had to decide based on contradictory information, they exemplary accomplish their role in the crises cells, according to the situation. They easily apply the established procedures. They have a remarkable contribution to the zone's stability and reconstruction. They are the Romanian's representatives, outside our borders.

The gravity centre of the decision-making in crises lies on the intellectual activity; it is the only viable factor to develop the action of the armed forces. The professional training is built in the knowledge accumulated in the National Defense University, and other higher education institutions from NATO member states.

In the theaters, the representatives of the Ministry of Defense, of the General Staff were able to generate forces that could assume such missions, in order to control the most complicated crises. The Romanian armed forces were the equals of the allied forces.

Along the whole development of the crisis, the Romanian personnel depend on the total support of the Romanian structures of command for the effort in the theatre.

We can underline the effective answer to the challenges of the crises management. These answers are the result of the collaboration between the officers from the theaters and those from the country. In order to manage a crisis, there is the need for an instructor; with a good experience in the lessons learned he must underline the following:

• How important the post analysis is, in revealing the positive and the negative aspects of the mission accomplished, and in offering conclusions for the future missions;

• He must show how important is, for the crisis management, the cooperation with the Allies, the standards of performance of the Romanian structures in the theatres of operations, the level of training, as a result of the quality of the military higher education;

• The lessons learned offer opportunities to update the way to take action, the technical quality of the weapons and other materials used in the theatres of operations;

• The lessons learned form the military personnel for international; missions;

• It is important to permanently be in touch with the leadership of the military activities, to keep the dialogue opened, to communicate in order to prevent and to rapidly solve the crises;

• There is the need for teamwork, to take sound decisions, in order to avoid any kind of loses;

• The commanders have to reconsider their training, in order to become competitive, adaptable, able to think freely, and to face each crisis and to take the best decisions;

• The commanders must drastically evaluate the training of their subordinates, in order to know the real level of the structure, so they can correct the shortcomings, by supplementary training, before the deployment in the theatres of operations;

• They must evaluate the real value of a thorough training for the missions.

The lessons learned in the theatre of operations form the base for the present activities, which will improve the management of future crises:

• The optimal logistical support of the deployed forces in the theatre of operations;

• They have to ensure the interoperability of the systems of command and control for the forces deployed in the theatres of operations;

• The developments of the National Military Network of Communications (ex-STAR), of the secure system for video conference ant the military intranet are very important in the theatres of operations. They use modules for communication and computer systems, satellite segments and/or optical fibers.

• The development of the linguistic competence of the military personnel deployed in the international theatres;

• They must analyze the physiological and physical factors of the battlefield;

• They must develop the technical and human capabilities used for collecting and processing the information from the theatres;

• They must adopt a system of evaluation of the operational capability of the military structures in order to know exactly the state of the units;

• The personnel must be trained and prepared. The structures must be equipped in order to neutralize the explosive mechanisms (EOD). Bt the beginning of 2009 these should be operational for all armed forces;

• The drawing up of the concepts for action in order to counteract terrorism, organized crime and the proliferation of MDW;

• The implementation of a system of norms, procedures, rules and standards that derive from the experience and the military actions coordinated by NATO;

• The adoption of a system for planning of joint operations based on the risk analysis of the security medium and the internal vulnerabilities is vital. It will ensure equilibrium between all types of missions (operations to answer the crises, operations of peace support). This system will develop interoperability and the mobility of the military structures.

• The physical and mental recovery of the personnel, after the return from the missions, in order to prepare them for the future missions.

The objectives mentioned here help us to bring the crises under the control of political and military managers, to shape its course so that the future actions of our troops in the theatres, during NATO peace support missions or in other joint actions to represent another kind of approach, more professional and more consistent. The process of consolidation of the Alliance's capabilities in order to globally take action in defense of international security and of common values has as a final goal the projection of stability on regional scale, and to fight against terrorism5. Romania has the opportunity to affirm itself in the post conflict rehabilitation of the states devastated by wars[6], in the effective crises management, in missions for stability and reconstruction. Romania takes active part in UN operations. The peace process in the Greater Middle East will continue. In Iraq, USA and the states from the international coalition, Romania included, will still support the Iraqi Security Forces. Our country will diversify its presence in the theatres. It will assume more responsibilities in the strategic structure of the fight against terrorism, in order to prevent and counteract the threats addressed to the world security in the XXIst century.

Translated and adapted by Alexandrina VLAD

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1 Karl W. DEUTSCH, **Crisis Decision – Making the Information Approach**, 1982

2 A short, synthetic presentation of the crises theme can be found in lt. cdor. conf univ. Dr. Ioan CRĂCIUN, lt. col. conf. Univ. dr. Dănuţ MANTA şi CS drd. Alexandra SARCINSCHI, **Gestionarea crizelor în cadrul NATO**, Universitatea Naţională de Apărare, Bucureşti, 2004.

3 The definition of the concept of crisis can be found in World dictionary, www. wordiq.com/dictionary/situation.htm

4 Lt.cdor.conf.univ.dr.Ioan CRĂCIUN et al., op. cit.,p 10

5 On this matter, NATO Istanbul Summit (20.06.2004) has decided to adopt some measures to develop the individual and collective contribution to the international fight against terrorism (the declaration of the head of states and of the prime ministers that took part at the North-Atlantic Council, 28.06.2004, in www.nato.int/docu/pr/2004/p04/096.htm).

6 The NATO's states involvement is presented in the article "*Corelarea strategiilor Alianţei Nord-Atlantice şi Uniunii Europene în acţiunile post-conflict*", autor – col. (r.) dr. Grigore ALEXANDRESCU, Impact Strategic nr. 2/2004, pp. 97-99.

MAINTENANCE IN AFGHANISTAN AND IRAQ MULTINATIONAL OPERATIONS

Colonel eng. Vasile AIOANEI

In the last three decades of the last 20th century and the first years of this century, the conflicts that have appeared in different areas of the world were extremely numerous, either among different countries or different factions on their territories with new characteristics in which the classic war actions are interconnected with those of the terrorist type.

Taking advantage, in many cases, of the progress achieved in the military technique field, the forces implicated in these conflicts provoked and are still provoking greater destructions at infrastructure level with grave consequences for the population lives in the conflict areas, leading to real demographic, ecologic and humanitarian disasters.

The forces which are taking part in multinational and peace enforcement operations are obliged due to these more and more dynamic changes to adapt the endowment, structure and the principles of the use of these endowments.

Next, we will speak about the measures undertaken to prepare the technique and the equipment, the difficulties encountered in the maintenance field and maintenance execution in Afghanistan and Iraq theatre.

We think that the influence of the conditions in the theatre on the maintenance activities and the difficulties encountered by those who were directly involved in the equipment preparation, operation and repair works in the theatre is the starting point of any lucid and appropriate analyze.

The main difficulties confronting our forces in the theaters of operations are:

a) mostly, the military equipments are not designed, conceived or made to operate in extreme conditions, in our case in a tropical very dry climate (to some extent the armored equipment, vehicles and tracks, engineer technique, transmission equipment).

There will be needed technique air filters that can retain in a higher percent the dust particles in the atmosphere, when dust level can get to 9 grams/cubic meter; the cooling systems with an increased capacity able to evacuate supplementary heat and thus providing the engines the optimum operating conditions; the rubber components with special designed tropical elements (connections, pipes, fittings, pipes systems and so on); lubricants and special liquids with inhibitory elements; protection of plastic, wood or textile elements; power aggregates, cabins and others spaces specially tight-fitted for dust protection; air conditioning equipment mounted on the vehicles; electronic components for transmission means capable to keep their characteristics at high temperatures, pneumatic tires which can operate safely under intense heat when the temperature at ground level exceeds frequently in summer time, 700C.

b) reduced or even non-existing possibilities to make use of the forces and the maintenance means in the theatre due to the poor productive capacities network, endowment and their damage during the conflicts;

c) difficult supply with spare parts and materials due to great distances and exclusive use of airlift which cannot make possible the transport of great quantities of spare parts and materials. The heavy equipment (armored amphibious personnel carriers, engineer equipment, trucks, special mobile stations etc.) cannot be replaced in the theatre using the Hercules C-130, to be repaired in the country;

d) the relative long time necessary to develop the acquisition procedures and then the proper acquisition due to present legislation, the disappearance or the downsizing the activity of some economic agents, the proceedings to import some parts or aggregates.

Great difficulties are encountered with the equipment which is not produced anymore (armored vehicles, some engineering equipment, etc.); sometimes they need 3-4 months since the date of the contract conclusion till the supply of those parts and aggregates. There are also some smaller aggregates such as gear boxes, hydraulic steering elements for which the economic agents request a great number of pieces to resume their fabrication. The "Panther" radio stations are a special problem because they are assembled in the country and their components are imported and the whole cycle, from the moment of their order to the acquisition stage is 6 months or even more.

e) poor accessibility of the communication roads with Afghanistan, mostly non-practicable, with long and large slopes, curves with short turning ray that have as result the over stressing of engines, aggregates and vehicles driving gears;

f) the tropical dry climate with great temperature differences between day and night time, with temperatures that often go beyond +500C in the shade in summer time and frequent sand and dust storms;

g) the missions of armored amphibious personnel carriers (especially in Iraq) to escort convoys (water tank trucks, fuel, lubricants, platform mobile trailers) and the obligatory rule to drive at high speeds, 80-90 km/h, leads the use of the engines at their maximum nominal effective power and revolution when the released heat increases and the mechanic stress is the highest causing to the engines excessive wear.

h) the equipment extremely reduced standardization doesn't allow a close cooperation with other national contingents. The cooperation is referring, in principal, to the common use of some maintenance tools, equipments and materials (bulbs, fittings, lubricants, storage batteries).

The knowledge of the above-mentioned factors, their influence on equipment operation was, is and must be in the future, too, a constant concern of the logistic bodies in order to amend some dis-functional performance during the logistic activities, as a whole, in particular the maintenance ones.

That is why, before the deployment in the theatre, measures have been taken to prepare the equipment and the personnel, focusing on:

• Personnel selection and mission training, emphasizing the equipment operation and maintenance characteristics in the deployment areas. There were briefings about the theatres, the state of the communications roads and the lack of maintenance facilities in the nominated areas;

• Selection, checking and establishment of the works that need to be performed to ensure the necessary efficiency. During the checking activity the entire equipment installations were run, the vehicles operation was tested in the field and on roads, focusing on the armament, engines cooling installation and combat vehicles special systems verification, (fire protection system, ventilation and filtering installation for NBCR personnel protection, winches, tires inflation device while driving, etc.);

• Supply the spare parts and materials necessary to restore the deficiencies found during checks;

• Overhaul technical maintenance No.2, focusing on: replacement of the entire quantity of lubricants and special liquids, etc., irrespective the operating or hauling time; cooling installations wash and their supply with water and additives –used to prevent limestone deposits, adjustment and checks of the entire systems; replacement of the rubber components (fittings, gaskets, pipes, tubes, etc.); special systems maintenance; fire extinguishers supply with fireproof material type "3.5"; re- adjust the weapons to normal range; targeting and night/day surveillance device check and adjustment; tires checks and the replacement of the used ones; supplement the parts, tools and accessories kits; maintenance of the devices and equipment of the special mobile stations (mobile workshops, mobile fridges, mobile cranes, ambulances, etc.);

• Checks of the metrological and measuring devices, under pressure installations and lifting equipment, etc.;

• Repair activities based on verifications and operation tests results, irrespective of the operating time or the operating hours since the last overhaul No.2 or 3;

• Final checks execution after maintenance, repairs and damages adjustment actions;

• Equipment painting in battlefield colors and its inscription according to the maintenance and mission requirements;

• Establishment of the spare parts and materials reserves for a 6-months period in the theatre;

• Provision of the materials necessary to shipping, equipments and containers fastening on trains or other transportation vehicles, such as ships, aircraft, special mobile stations.

After the reconnaissance surveys in the theatre changes have been made as to the number of vehicles, the necessary material quantities, fuel and lubricants supply from the country etc.

Before deployment, according to the logistic disposition, there were briefings on the maintenance characteristics in a dry tropical climate, focusing on the cooling installations maintenance, tightness, fittings, gaskets, pipes, lubricants and special liquids checks, use of plugs, lids to prevent dust penetration inside the pipes, weapons tubes, etc. in extreme weather conditions the role of the preventive maintenance increases because any damage of the equipment, no matter how big it is, could have unpleasant consequences.

In order to know as accurate as possible the real situation in the two operations theatres there was asked information, according to Table no. 1, about the behavior of the military equipment and technique, through the maintenance reports including the data which can b used to improve the maintenance activity.

No.	Equipment type	Quantity	Km (operation time, routes)	DAMAGE DATA				Treatment	Main parts used
				Damage	Cause	Environment conditions	Number		
1	TAB C-79	5	23216	Engine overheating	Poor cooling capacity	Temperature +50°C in the shade	1	Radiator was replaced	One cooling radiator

Table 1 - Equipment behavior in the operations theatre

There were calculated spare parts stock based on the previous consumption levels taking into account the more frequent replacements.

During missions executing, specific maintenance activities consist of:

-maintenance works which was made fully and in shorter periods of time than instruction's directions because of specific climate conditions. It seems relevant to give few examples: air filter cleaning, electrolyte level check and adds up that with distilled water in every week, cooling systems washing with boiler cleaning compounds at least once in three month, cleaning dust on the radiator daily, replacing used lubricants with clean lubricants when is necessary, etc.

- emergency repairs, replacing aggregates, in special places from camp fleet of cars or in evacuating places, by maintenance platoon and groups;

- support given in theater of operations, by specialized teams from Maintenance Battalion and Centers of Maintenance or from civil companies (S.C. Automecanica Moreni S.A., S.C. ZIPACON S.R.L., S.C. ELPROF S.A.) for more complex works maintenance. Concerning with paragraph, I would like to point out repairings of two Armored Amphibious Fighting Vehicles (TAB C-79), in Afghanistan, which activated antitank (anti armored-vehicles) mines. Repairing of two Armored Amphibious Fighting Vehicles, especially weld works, were made by S.C. Automecanica Moreni S.A., which used a modern weld procedure without heat treating for hull detention in furnace, operation that had to do only in maintenance military bases.

- making-up few spare parts (nuts, double-ended bolts, roves, reducing pices, bars, etc) in machineries from mobile repair-shopes (vehicles) of maintenance platoons;

- evacuation assistance for the vehicles which are taken out of service, with specialized means from maintenance subunits;

- collaborating with maintenance subunits of the other states, especially from subunits of military police (the platoon from ISAF mission from Afghanistan and the company from "Antica Babilonia" from Irak) which have smaller maintenance structures;

- repairing of the engines, aggregates of the radio cars, optical sights for night conditions, machineries from mobile repair-shops (vehicles), etc, in our country and sending them immediately in theater of operations.

In spite of safety measures for preparing vehicles and equipments for mission, very high temperature climate (which during the summer is about +50 degree Celsius in shadow, in the open area is about +60 degree Celsius; the hull temperature, in some points can reach +80 degree Celsius), sand and dust storms, mountainous ground and impracticable routes, especially in Afghanistan, appeared many situations of taking out of service, consist of:

- engine overheating – approximately 14% from disturbances;
- transmission aggregate disturbances – approximately 19%;
- electrical system disturbances – approximately 16% (look in Annex no. 1).

The high number of disturbances in cooling systems of Armored Amphibious Fighting Vehicles TAB 77, 46% from all, and of Armored Amphibious Fighting Vehicles TAB C-79, 29% from all, equipped with SAVIEM engines, shows us that is necessary to find out solutions for increasing capacity of cooling (radiators with increased capacity of cooling and increased fan delivery) or even to change this engines with the new ones for increasing reliability and durability of these vehicles in the operation's theater.

A more difficult situation is in case of engineering vehicles from Irak with frequently disturbances, especially in hydraulic system. Without spare parts almost all engineering machineries because of the civil companies doesn't exist today, a long period of usage for these machineries, the quality of elements made from rubber (flexible pipe, pipe connections, fittings, etc.) are the causes that determined disturbance rate increasing, with negative effects to perform the missions of the engineering military bases (details in Annex no. 2).

The high disturbances rate leads to a very low "mean time between failures", in a few machinery cases under 5 hours, disturbances very frequently in hydraulic systems, 47% from all, make us to conclude (except truck-crane AMT-950, made after 1990) that these machineries may not be used in good conditions, and taken measures, including here: usage spare parts and aggregates recovered from the other vehicles, that are taken out of service, are not sufficient and these vehicles must be replaced with the others (new).

Communications equipments (radio cars Panther 2000-H with 100W and 400W, shore stations Panther 2000-V, with changeable frequency, shore radio-phone SD 506) have a good reliability and assure radio-lines for missions.

Because of the high temperatures and of the dust from atmosphere, intensive usage and low reliability for few components there were disturbances with an increased frequency which consist of:

- disturbances for sending-receiving terminal, especially portable station Panther 2000 (25 cases from 136 shore stations) and for shore radio-phones (30 cases from 164 portable radio-phones);
- breaking down of the microreceiver's flexible cord for radio cars and for portable radio stations;
- disturbances before guaranteed period of time for chargeable cells from portable radio Panther 2000-V.

All communications equipments which had disturbances, except breaking-down microreceiver's flexible cord, were send in our country for maintenance to S.C. ELPROF S.A. or S.C. IEMI S.A. (shore radio-phone RTM 9100V), but repairing time was long, for shore radio and radio cars the average time was 4-6 month or more.

It is necessary, based on more frequently failures, to buy, before missions, some components (spare parts) and to cooperate more efficiently between manufacturer (plant) and customer (user) for increasing reliability of some components.

"Learned lessons" was very useful for activities of maintenance in theater of operations. Based on that "learned lessons" and on officer's experiences from Logistics Compartment of Land Forces Staff and from Logistics Joint Staff, it were taken measures concerning rules in maintenance field, organizational measures, improvements of different spare parts for military vehicles and even modernizations.

Using all this experience, it was made-up "Methodology for selection and usage vehicles and equipments from the structures of the Ministry of National Defence to international missions out of the Romanian National territory", approved with order M-27 from 04.02.2004 of the secretary of national defence and "Instructions for maintenance of armored vehicles, automotive and tractors from Romanian Army structures, in peace, in crisis conditions and in war" – L-11/1, vol. 1, approved with order M-130 from 19.08.2004 of the secretary of national defence which participate to the international missions.

In the same context, Logistics Department from Army Staff have sent to Logistics Direction some proposals for norms concerning usage and consumption, and normal time for usage of equipments from Romanian Army structures that participate to international missions.

Based on “learned lessons” were taken follow measures:

- increasing repairing skill for maintenance platoon which can do “level 2 repairs”, changing aggregates and subassemblies;
- increasing the number of specialists from the maintenance platoon;
- delivering some spare parts, very necessary, to submits vehicles perform the detached missions, to long distances and repartition of one or two specialists to these submits;
- assembling air-conditioning systems on Armored Amphibious Vehicles for improving work conditions for crew;
- assembling special holders on Trooper Transporters TAB 77 for fuel cans, so that for increasing action range (working radius);
- assurance lubricants and special liquids in theater of operations from coalition partners after the compatibility between that those Romanian were established;
- making-up of the rubber membranes for the muzzle of the guns from the vehicles (Armored Fighting Vehicles) and for the riffles (protecting from the dust);
- armors protection with sand bags against armament with cumulative effect, as a temporary solution, and after that assembling to a distance the armor the laminated sheet iron for eliminating cumulative effect;
- assembling, during the level three repairs, on SAVIEM engines, the rubber elements tropicalized.

A sensible problem was usage the universal fuel (gas) type F-34 in the engines. There were frequently failures of the injection pumps, especially those rotative from D-127 and SAVIEM 797-05 engines; for these it were taken measures to introduce lubricants in fuel tanks, 2,5%, for increasing lubricity capacity of the fuel. This measure had an empirical condition, but it was a successful measure, because the failure rate was decreased from 1 failure at every 1100 km to 1 failure at 12000 km (for injection pumps).

In August 2004, one team consist of 4 officers from General Staff, Department of Armaments, Army Staff and Military Technical Academy checked engines function with supplementary addition of fuel (from 0,1% as usually to 0,3%) in theater of operations from Irak.

It was concluded that supplementary addition is needed, according to the domestic tests developed by Military Technical Academy and Department of Armaments with the support of the Army Staff at S.C. MFA Mizil.

A 0,3% supplementary addition leaded to a decrease of the fuel’s lubricity (the lubricity is defined as the size of the chemical wear spot on a metalsheet), almost reaching the Diesel fuel behavior. The proof is given by the analysis bulletin issued by S.C. Petrobrazi.

The tests developed with the supplementary additional fuel were promising since all those 5 auto vehicles that had been tested on a total distance of 10 500 km, had no problems with their injection pumps.

When the tests will be concluded, the commission will propose the increase of the additive rate within the fuel from 0,1% to 0,3% for those vehicles that have rotary injection pumps.

According to the approach and solving manner of the occurred problems and the learned lessons in the future we can fulfill the assigned missions in better conditions as a member state of the international community.

ANNEXES

ANNEX NO.1

SURVEY OF THE REMOVED EQUIPMENT, BASED ON OPERATING TIME BETWEEN JULY 2003 / JUNE 2004

No.	Vehicle type and brand	Quant. pieces	Km. run	Damages that have led to removal: Cooling installation		Greasing installation		Fuel supply equipment		Gear		Steering system		Breaking system		**Electric system**		**Other damages**		**Total damages**	**MTBF (km)**
				No	%	No.	%	No.	%	No.	%	No.	%	No	%	No.	%	No.	%		
1	TAB 77 and other similar	13	137848	53	46			24	21	17	20					3	3	17	20	114	1209
2	TAB B 33	10	271701	37	23	14	9	31	20	33	21	1	1	5	3	14	9	23	14	158	1720
3	TAB B 33 and other similar	29	289937	72	29	9	3	32	13	39	16	11	4	12	5	41	16	35	14	251	1155
4	Trucks DAC 665 T and other similar	58	577195	39	17	6	3	37	16	39	17	7	3	43	19	38	16	20	9	229	2520
5	Vehicles ARO and other similar	51	573365	35	14			48	18	56	21	26	10	29	11	49	19	19	7	262	2188
6	Total	161	1850046	129	14	29	3	172	19	184	20	45	5	89	10	145	16	114	13	907	-

Note: the survey was produced for the infantry battalion in Afghanistan and Iraq and the Military Police Company in Iraq

ANNEX NO.2

SURVEY OF THE REMOVED ENGINEER EQUIPMENT BETWEEN AUGUST 2003 - FEBRUARY 2004

No.	Vehicle type and brand	Quant. pieces	Hours of run	Damages that have led to removal: Cooling installation		Hydraulic installation		Electric equipment		Gear		Steering system		Break system		Pneumatic system		Other damages		**Total damages**	**MTBF (hours)**
				No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%		
1	Crane AMT 950	2	825			3	30	3						2	20			2	20	10	82.5
2	Loading truck Wolla L 34	3	48			5	62	-						3	38					8	6
3	Bulldozer S 1500	3	62			4	66			1	22							1	22	6	10.3
4	Excavator P 802	3	54			7	64					1	9			3	27			11	4.9
5	Autograder AG-180	3	68	4	27	6	40	3	20									2	13	15	4.5
6	Compressing roller RCS - 26	2	44															3	100		14.6
7	Roller MC-10	1	34	1	100															1	34
	Total	17	1135	5	9	25	47	6	11	1	2	1	2	5	9	3	5	8	15	54	-

THE NEED FOR SECURITY STRENGTHENING AT THE BEGINNING OF THE 21ST CENTURY

Col. (ret.) Prof. Eugen SITEANU, PhD

According to the general theory of systems the (national, regional, world) security as a big system relies on an inter-disciplinary theory resulting from the political-military, economic, social, cultural, scientific, etc. systems interaction, because both the theory of security and the practice of security assurance - no matter their level – are permanently influenced and determined by the political, military, economic, social, cultural, diplomatic, juridical, etc. theory and practice. Consequently, the changes and trends in the policy, military art, economy, science, technology, culture etc. will be reflected in a way or another by the national, continental or international security. Some changes or trends in the nations' security are taken from the above mentioned domains, some other trends are specific to security as a result of the sinergy of the security system.

The approach of such a large and fastidious topic requires intelligence, wisdom, but also courage, because the field of security is immense both in theory and practice and the incertainties the future has in store for us make our scientific application more difficult.

Almost all the problems on the globe are interconnected. Therefore all the problems in the world are to be seen and analised together, as the integronics teaches us, and not separately.

The first Report of the Club in Rome entitled "The limits to growth" specifies: "If the actual tendencies of exponential growth in demography, agricultural and industrial production will go on (…) the human society will colapse in the next century"[1], i.e. this century. Will the politicians of the world ever take this danger expressed by the most appreciated members of the international scientific community seriously, or will they let the humankind to break down?

In order to get an answer to this exciting question we have to start from the reality and to learn the lessons of the history. Let's remember how and by whom Hitler, Saddam, Ceausescu, Stalin, and so on have been propelled to leadership in Germany, Iraq, Romania, Russia etc. and how the mankind has been thrown by such individuals psychopaths into wars, dictatorship, crimes against the human nature.

German industrials and big bankers have helped Hitler to get power because he represented the armament, consequently the profit. Hitler held the reins of communism - the nearest and most dangerous enemy of the capitalism entering disintegration.[2] Also the powerful parties (National German Party, People's Party, Bolshevik Party, Communist Party (supported Hitler, Saddam, Ceausescu, Stalin, gave them their vote in order to get power.

That is why today, for the purpose of eradicating the evil and guaranteeing the security we realiz that the concepts of nazism, fascism, neo-fascism, communism, islamism and of the other parties and organizations, able to bring about crime against humanity, must be known.

H. Spencer wrote: "To know means to foresee and amy knowledge helps more or less to achieve the good and to avoid the evil".

In this direction one could put the question: if the future leaders' anti-human, criminal ideas had been knowen by the citizens would they have voted any more those alienated individuals who lately became bloody dictators?

This makes us believe that now we are in a critical situation from which we can go out by using the multilateral research of the human beings, of their behaviour within the society and of their mutual interaction. Therefore, the investigation has to be oriented to discovery of thase yet hidden parts of the human behaviour and development within the human society as well as to the use of those managerial instruments and techniques which could lead to decrease of number and intensity of the regional and global conflicts. This, by security management process (national, regional and international) one could provide and maintain the best circumstances where the specialists and politicians from different connected fields working together in the same managerial team could efficiently achieve the goals of security.

But the management must exist at all security levels, in all security domains, admiting within the managerial teams scholars coming from all scientific domains in order to cover all security dimensions and all issues of mankind's concern.

The management is both a science and an art because it makes use of precise laws but also leaves space for an important liberty of action and interpretation of processes, phenomena and results.

That means, in practice, the management is the capacity to use its own instruments (techniques) in order to achieve the final goal which is, in this case, the provision of the world security. In this way one could attain the "Art of Avoiding Wars" and the need to train managers for world security planning on the basis of dialogue, tolerance, consensus, respect, common sense, kindness and lessons of the history (which teach us what are the mistakes not to be repeated) etc.

For example, the history of Poland presents the wars the politicians of the great powers think and act. In 1772, Poland has been divided by Russia, Prussia and Austria. After 20 years, Poland has been divided for the second time between Russia and Prussia. On the 1st of September, 1939, Poland has been attacked from the West and on the 17th – from the East.

At the Conference in Yalta, Poland has been divided again for the 4th time Churchill being determined on this occasion to declare that "I am afraid I killed the wrong pig".

As a proof that the politicians learn the lessons of the history is also the fact that in February 2000 the American Secretary of State, Madeleine Albright stated in a plenary session of the Albanian Parliament that the attempts to modify the borders are an invitation to violence and not to peace and stability and that the international community will not accept a Great Albania, a Great Serbia or a Great Croatia. She emphasized: "Kosovo never was and nor has to become a monsethnic entity Albania's duty being to encourage a tolerant attitude in the province". As it concerns the best assertion, we think this opinion should have been expressed before the start of the terrorist actions in Kosovo, even more, there should have been taken firm meansures for armament, terorist groups training and their infiltration into Kosovo interdiction. Consequently, the former NATO Secretary General George Robertson stated in February 2000 that the Multinational Peace Force in Kosovo (KFOR) will not leave the province till the peace is not reestablished.

As it concerns Romania's security there are needed certain essential specifications, the politicking or mass-media allegations being just a harm to national security. For a scientific approach a multidimensional analysis starting with the field of economy is mandatary.

Romanian economy production decreased to almost a half of the level it has in 1989, but the situation is even more serious because the decrease of production was a continuous one since 1980.

So that Romania has produced in 1989 approximately 20% less than in 1980; this justifies logging of almost 20 years of the Romanian's real development potential.

Consequently, funds allocated for defense, education, culture, health etc have diminished.

Romania is submited to informational aggressions, by mass-media. Informational aggression strategies have become extremely subtile and have produced serous and "perverse" results.

Lucian Culda has elaborated processual-organic paradigma that explains, by the bio-processor that, e very man is included in society and, thus, the man makes different interpretation.

This is a great scientific descovery.

The specialists have established action modalities in order to "confiscate" the new scientifical revolution in information procesing domain so that the descoveries to be controlled only by a few big powers and tobe utiliyed with the goal of obtaining an ascendent before another states, including the "partners".[3]

There are some studies which help for decision-making process for solutions implementation that are forseen in this purpose.

Functional possibilities of the state are blocked by the aggression of informational infrastructures so that decision factors could not effectuate the leadership and controled the situation of the resources if the conditions imposed by the aggressor are not fulfilled.

Mass-media manipulate actions succeed in produceing attitude control of the citizens toward the wanted direction and, thus, it is posible to destablished gouverments and the people ca be determined to support actions that agrressor state wants.

Consequently, it is produced a radical modification of the insecurity sources and the need to clear up the pertinent possible actions for security strengthening. In this context, let us think if it is necessary at the elaboration of the national security policy, economical, cultural, ecological, politic and social consequences be evaluated on long term and after that to put them in practice.

Today, political institutions are not sufficiently able to solve out the problems that they are confronting with and that is why there are necessary other methods, scientificaly fundamented, permiting a rationel political and economical planing.

That is why there could be beneficial political research to integrate the scientific method through some interdisciplinary concepts and knowledges and which would allow leaders (of the governments) to decide on the basis of sound value judgements, scientific arguments and motivations ment to solve the present-day problems as well as the future ones and the first of all the problem of the world security which represents the key-problem.

NOTES:

[1] Maurice GUERNIER, "*Let's come out of the period of waste*" , French edition, Paris, 1978, "Să ieşim din epoca risipei" (the fourth Report of the Rome Club) Bucharest, 1985.

[2] Petre PANDEA, "**Germania hitleristă, Eseuri**", Bucureşti, Minerva, 1971, p.174.

[3] R.C. MALANDER, P.A. MUSSINGTON, R.F. MESIC, *Strategic Information Warfare Rising*, ***RAND***, 1998.

THE QUALITY OF LIFE – AN INDICATOR OF SECURITY

Alexandra SARCINSCHI

The human being is the main subject of security. He transcends every level and every dimension of security. Thus, the security studies should underline, but not exclusively, exactly the so-called human security[1]. Since we define the security as a state in which we perceive the absence of risks, dangers, and threats to human beings' existence, values, and interests, by diverging interests and values, people will feel a profound state of insecurity and discomfort. All of the human life's meanings are built up by definitions resulted humans' perceptive experience. The state of total security requires the accomplishment of a level in which the perception of the absence of risks, dangers, and threats is undoubted. Still, the total security is a utopia because of the large diversity of people's values in interests and the evolution of mankind that causes the changes in definition of what we call risks, dangers, and threats.

The quality of life is one of the most important aspects of human life that causes to a great extent the perception of the absence or presence of risks, dangers, and treats. Also, it helps the building up of the social representation of security. The quality of life is an estimative concept, a resultant of reporting the conditions of living to the human needs, values, and aspirations[2]. This concept is about the objective and subjective conditions of living.

There is an explanatory model[3] for the relationship between quality of life and social representation of security. It is founded on three related pillars causing the satisfaction of living that has important implications on human interests, norms, and values (Figure no. 1). We must underline the fact that the satisfaction of living is only one of the factors that cause the social representation of security.

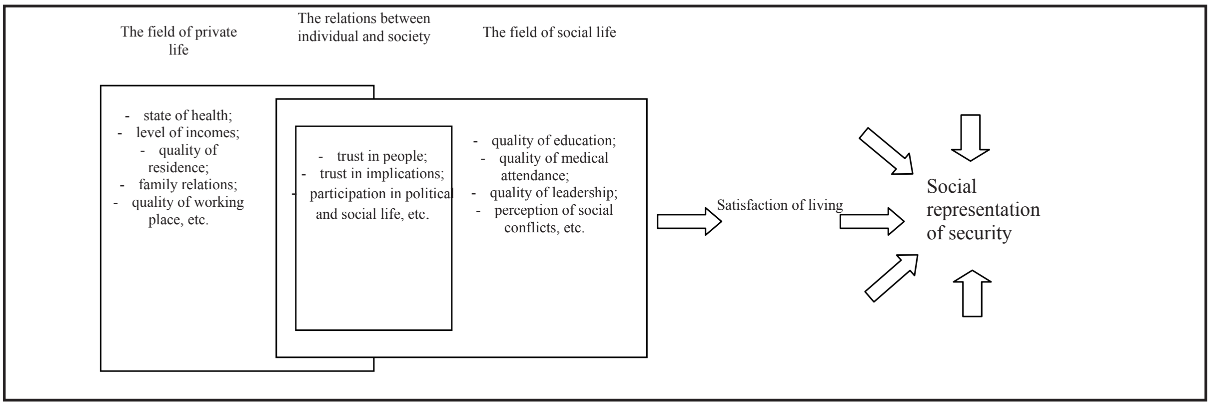

Figure no.1

This model takes into consideration both the objective and the subjective conditions of living. There are some important social and sociological indicators and indexes that measure the objective conditions of living, such as[4]: indicators and indexes of residence (the stock of residences, the development of residences sector, the quality of residence, etc.), indicators and indexes of poverty (the threshold of poverty, the minimum of subsistence, the rate of poverty, the precipice of poverty, the Sen Indicator, the Fishlow Indicator, the Gini Coefficient, etc.), indicators and indexes of health (the death rate, the age contingencies death rate, the access to the medical attendance, etc.), the human freedom and development indicators (the human freedom indicator, the human development indicator, etc.), the education system indicators (the education rate, the quality of educational system, the use of educational resources, etc.) etc. When we talk about subjective quality of living we talk about the perceived quality of life, the satisfaction of living, the happiness indicator, the alienation indicator, etc.

Our premise for this explanatory model is regarding the fact that the negative state of security is caused by the failure in the achievement of the fundamental human rights and freedom, especially the poor quality of life. This statement is to be proven by carrying out a comparative analysis between the quality of life and the representation of security in Romania and the quality of life and the representation of security in Europe. This procedure is based on a secondary data analysis using the following documents: Calitatea vieții în România. 1990-2003 ("The Quality of Life in Romania. 1990-2003", The Institute for Quality of Life Research, Romania, 2003), Worldviews 2002. Survey of American and European Attitudes and Public Opinion on Foreign Policy, (The Chicago Council on Foreign Relations and The German Marshall Fund of the United States, USA, 2002), and Quality of Life in Europa, (European Foundation for the Improvement of Living and Working Conditions, GBR, 2004).

The data in the Romanian study are structured on six dimensions: the private life, the professional life, the conditions of living, the social environment, the population's fears, and the political environment. They comprise information on state of things, human evaluation on their own life, the state of satisfaction/dissatisfaction regarding living conditions. This kind of data is very important to the evaluation of the security state at every level of society.

For instance, the relationship between family income and needs (Figure no. 2), the comparison between last year conditions of living and this year conditions (Figure no. 3), and the "Rich - Poor" Scale (Figure no. 4) are indicators of the individual state of security and explain to some extent the representation of people's fears to their security:

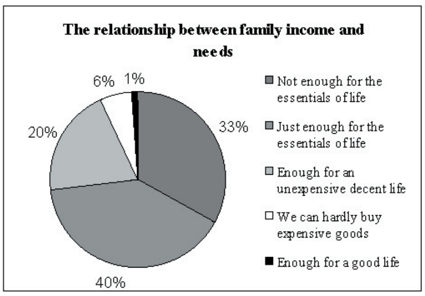

Figure no. 2

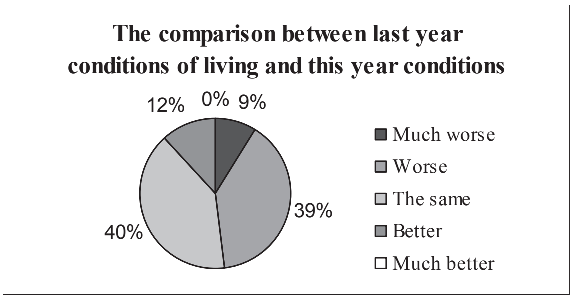

Figure no. 3

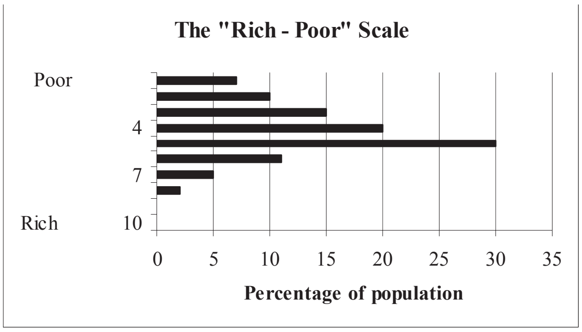

Figure no. 4

Almost half of the Romania's population (48%) says that the living conditions in 2003 are worse than the previous years and 82% of population is placed on the lower half of the "Rich-Poor" Scale. We can explain on some extent this situation on the basis of correlation with the other two variables: 33% of population says that their residence is from "satisfactory" to "totally unsatisfactory" and 93% is unsatisfied of their incomes.

In Europe's case, especially the 25 members of European Union, 15% of population is unsatisfied of the relationship between family income and needs. More than that, the mean of satisfaction is 7.1 on a scale from 1 (very unsatisfied) to 10 (very satisfied). It indicates a higher level of satisfaction regarding living conditions than in Romania where 33.1% from population is not satisfied with their life (Figure no. 5):

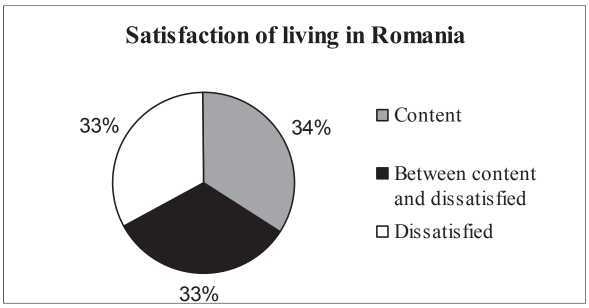

Figure no. 5

Those data are not enough to affirm that the low quality of life damages the state of security. Thus, we need more data such as the population's fears in Romania and Europe.

In Romania's case, its citizens are afraid of the high prices (97.2%) and taxes (95.2%), transnational risks, such as criminality and social conflicts, being fears only for less than half of population (Figure no. 6).

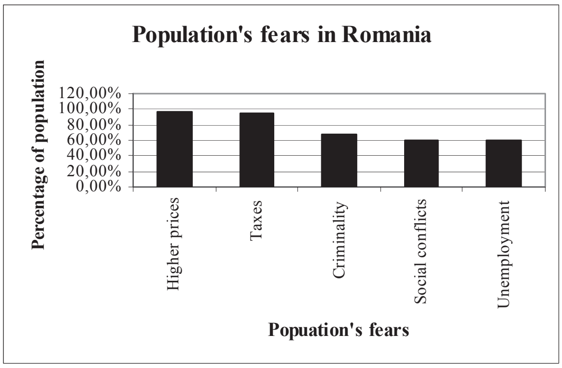

Figure no. 6

This situation might be explained by the low quality of life that determine the Romanians to mentaly detach themselfes from the global problems. Therefore, the social representation of the threats to individual security is anchored in the present national reality with a lack of global vision such as the European case (Figure no. 7).

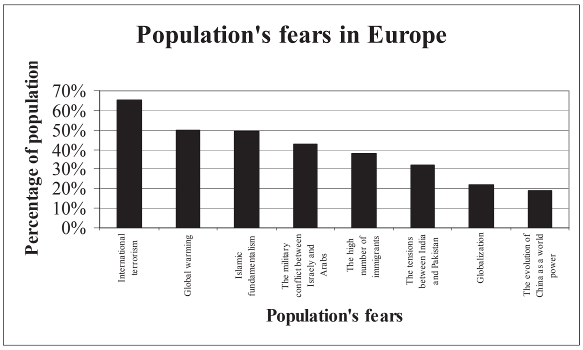

Figure no. 7

In this context, is obvious that the Romania social representation of security is different from the European one because of the different political, economic, and social framework.

The most important dangers to the security - international terrorism, failed states, and organized crime – are caused by the insecurity feeling of the human being that is provoked by the degradation of humanity, the various levels of development, the struggle for power, the diverging interests of humans and alliances, etc. That is the reason for which we can not argue about the national, zonal, regional, and global security in such environments in which the individual does not feel secure. If one human being is threatened, then their group's security and other related communities are threatened. If all of the social groups desire to achieve and preserve the state of security, then they should achieve the individual security on the basis of humanity's intrinsic connection. The individual must comprehend and comply with a number of social influences and control of behavior norms, to some specific and stable patterns of organization and interaction between individuals and social groups that are directed to satisfying the basic needs and the strategic values and interests, to maintain the social community established by the social institutions. In many cases, the vision of institutions/organizations on security achievement is more comprehensive that the one of the individual who's actions regard his own security or his own group security to the prejudice of superior forms of social organization.

NOTES:

[1] See Weissberg, Matthew, *Conceptualizing Human Security*, in „Swords and Ploughshares. A Journal of International Affairs" – online version http://www.american.edu, Spring 2003, Volume XIII, No. 1, pp. 3-11 and Hampson, Fen Olsen, *Madness in the Multitude: Human Security and World Disorder*, Ontario, Oxford University Press, 2002, http://www.oup.com.

[2] Zamfir, Cătălin, *Calitatea vieții*, in „Dicționar de sociologie", Cătălin Zamfir and Lazăr Vlăsceanu (eds.), Babel Publishing House, Bucharest, 1998, pp. 79-80.

[3] This explanatory model is based on the satisfaction of living algorithm presented by Ioan Mărginean, Iuliana Precupețu, and Ana Maria Preoteasa in the study *Puncte de suport și elemente critice în evoluția calității vieții în România*, The Institute for Quality of Life Research, Romania, 2004.

[4] xxx, *Indicatori sociali și sociologici*, in "Dicționar de sociologie", Cătălin Zamfir and Lazăr Vlăsceanu (eds.), Babel Publishing House, 1998, pp. 699-738.

FIGHTING TRANSNATIONAL ORGANISED CRIME. UN LEGAL PERSPECTIVE

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Crima organizată transnaţionaţionlă reprezintă una dintre ameninţările actuale majore la adresa securităţii internaţionale. Globalizarea, pe lângă beneficiile evidente, şi-a arătat şi partea întunecată, de avantajele acestei evoluţii beneficiind şi fenomene negative, cu potenţial dezintegrator asupra ordinii şi securităţii internaţionale: crima organizată şi terorismul. Caracterul transnaţional al crimei organizate solicită iniţiative internaţionale care să completeze eforturile naţionale şi regionale de combatere a acestui fenomen, în acest sens remarcându-se activitatea Organizaţiei Naţiunilor Unite ale cărei eforturi s-au materializat în Convenţia Naţiunilor Unite împotriva Criminalităţii Transnaţionale Organizate şi protocoalele adiţionale.

Organized crime - a major non-military threat to international security

Nowadays, the organized crime represents one of the major non-military threats to the global security and stability. „Organized crime is prominent among the new threats to peace and security. It undermines efforts towards sustainable development and respect for the rule of law“[1]. Although not as direct and obvious as a military threat, organized crime has an important implosive potential on the international security because it operates in a devious, hidden and deep manner, harder to detect and control. Organized crime doesn't represent a new phenomenon, what is new is the fertile ground for rapid growth that a globalized world furnished. Globalization furnished the opportunities for organized crime to expand and operate more efficiently and fluidly, spread its activities and elude law enforcement authorities.

There are several reasons, most of them related to globalization that account for the unfortunate increase in organized crime activities: the increase volume of trade among nations, which has greatly benefited legitimate business interests but also generated greater opportunities for criminals to exploit, the decrease in customs and other regulatory barriers to international travel and business which has had the unintended effect of aiding criminals, the proliferation of transportation connections and the easing of immigration and travel restrictions in many countries facilitated criminal activity and the movement of criminals across international borders, advanced telecommunica-tions and information system that are used in legitimate commercial activity can also be used by criminal networks to improve their own communications and to carry out more efficiently criminal transactions, especially in the financial field.

Due to the benefits of globalization, organized crime changed in nature, the traditional distinction between illicit and legitimate activities, with reference to organized crime, becoming less evident in the *modus operandi* of organized criminals, fact that makes tracing and controlling this of phenomenon more difficult. The escalation of traditional criminal activities, due to the improvement in methods of criminal networks to cover their traces requires new responses of the international actors.

The social, political and economic evolution on the international arena was closely followed by developments of criminal networks, situation proved by the variety of structures and composition of criminal networks operating at an international level. The attributes of globalization – more open borders, increased volume of international trade, advances in technology and communications – have facilitated the dramatic growth of international crime. International crime threatens the safety, security and prosperity everywhere and undermines the global security and stability.

Organized crime characteristics include but are not limited to the following: use of violent means – a part of the criminal activity is committed or threatens to be committed through violence or acts which are likely to intimidate, secrecy – in order to elude the legal bindings, the attempt to gain influence in government, politics, commerce through corruption and legitimate means, economic gain as the primary goal not only from illegal enterprises but also from activities as laundering illegal money through and investment in legal business. Besides these „so-called" traditional traits of organized crime, the main feature of nowadays organized crime is its wide spread character, in forms of manifestation, in types of criminal network and geographic expansion: from trafficking in drugs, trafficking in human beings, money laundering, corruption to cyber crime and from traditional „mafia groups" hierarchical pyramid structured such as Chinese Syndicates, the Japanese Yakuza, the Russian Sizranskaya, the Italian Cosa Nostra, the Mexican Mocha Orejas to the horizontal criminal networks such as the McLean Syndicate, the Juvenal Group, they are acting internationally, defying national and continental borders.

In the awake of the 21st century the combination of Post Cold War and Post September 11, dynamics in the global and European political, social and economic environment gave the opportunity to organized crime to penetrate various social fields, organized crime groups being involved in all types activities ranging from drug trafficking, illegal immigration, trafficking in human beings, all sorts of commodity smuggling, fraud and financial crime and not least cyber crime.

The September 11 attacks demonstrated the existence of the close link between organized crime and terrorism and the need of building adequate responses to these threats. The 9/11 attacks underlined the fact that we can't speak about a clear distinction between organized crime and terrorism, since an important part of the profit obtained from criminal activities is used to sustain terrorist networks, *„the revenue generated by organized crime offers terrorist groups a steady flow funding."* [2]

In an era of globalization, in order to ensure the illicit profit of their activities, the criminal networks increased their co-operation. In this respect, mixed criminal networks have become the rule rather than the exception, replacing ethnically homogeneous groups focusing on particular fields of crime. This „internationalization" of organized crime makes it more difficult to be discovered and controlled.

Faced with such a rapid evolution of criminal activities and with the disruptive effect of organized crime on the world security and stability, the international community has increased co-operation at national, regional and global level. In the last decades cross-border organized crime has become a practical problem, and the countries realized that the domestic and unilateral efforts alone were not enough. At the same time, organized crime was becoming a political issue that forced the states to reconsider how it should be approached.

Given the transnational orientation of the criminal networks an effective response in fighting against organized crime required a international co-operation and international legal instruments capable of regulating the various aspects of organized crime. In this respect a many efforts were made by international and intergovernmental organizations: at the international level, UN, as the most important international organizations, has become very active in mobilizing international co-operation, as shown by the development of several model treaties, at the regional and subregional level intergovernmental organizations such as Council of Europe and European Union, the Economic Community of West African States, the Arab League, the Organization of American States etc.., completed by organizations that focus on specific issues such as Financial Action Task Force.

The UN role in fighting organized crime

The work of the United Nations to strengthen international cooperation against organized crime started since its establishment. The issue in its various aspects has been debated and analyzed by successive congresses on the prevention of crime and the treatment of offenders, the quinquennial event organized by the United Nations Crime Prevention and Criminal Justice Programme since its establishment. This debate and its results reflect the changing perceptions and comprehension of the problem over several decades. It must also be viewed as a series of steps, as a sustained course in the direction of raising awareness among policy and decision makers and challenging the conventional thinking about crime prevention and criminal justice matters.

As the most important international organization, UN has a major role in fighting organized crime. Recognizing the increase of organized crime activity and the necessity of an international response, UN made a lot of steps in addressing many aspects of organized crime, but for a long period of time UN initiative lacked a holistic vision. Taking in account the wide spreading of the organized crime, the need of designing a general framework to fight organized crime was considered by the UN.

Judge Giovanni Falcone, one of the proeminent figures of the fight against organized crime, called for more meaningful action at the international level against organized crime, in order to address the problem of national authorities trying to cope with a phenomenon that was no longer national. In explaining why he thought more international cooperation was a must, Judge Falcone launched the idea of a world conference at a sufficiently high political level to lay the foundations for such cooperation.

The result was the organization of one of the most significant events in the history of the United Nations Crime Prevention and Criminal Justice Programme, the World Ministerial Conference on Organized Transnational Crime, held in Naples, from 21–23 November 1994 The Conference unanimously adopted the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, which was approved by the General Assembly one month later.

The Naples Political Declaration and Global Action Plan emphasized the need for urgent global action against organized transnational crime, focusing on the structural characteristics of criminal organizations. Countries were called upon to begin the process of harmonizing their legislation, while special attention was paid to the need for countries to ensure that their criminal justice systems had the capacity to prevent and control organized transnational crime in all its manifestations.

The Naples Political Declaration and Global Action Plan stressed the need for the international community to arrive at a generally agreed concept of organized crime as a basis for more compatible national responses and more effective international co-operation. Particular attention was given to more effective bilateral and multilateral co-operation against organized transnational crime, the idea of a convention against organized crime being raised.

A further step in creating a general framework to fight organized crime was represented by the General Assembly resolution 53/111 of 9 December 1998 in which was decided to establish an open-ended intergovernmental Ad Hoc Committee for the purpose of elaborating a comprehensive international convention against organized crime. The efforts of the Ad Hoc Committee materialized in the elaboration of the UN Convention against Organized Crime and supplementary Protocols.

One of the most important international instruments in fighting organized crime, **UN Convention against Transnational Organized Crime** was adopted by resolution A/RES/55/25 of 15 November 2000 at the fifty-fifth session of the General Assembly of the United Nations. The participation of over 100 member states in the negotiation of the Convention and Protocols reflected the fact that the countries recognized that transnational organized crime had become an international problem, exceeding national borders, requiring a firm international response. The Convention was completed with supplementary Protocols: **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Protocol against the Smuggling of Migrants by Land, Air and Sea. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition** was adopted on 31 May 2001.

The Convention was opened to all States for signature from 12 to 15 December 2000 in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002[3]. Also the Convention was opened for signature by regional economic integration organizations provided that at least one Member State of such organization has signed this Convention[4].

The UN Convention against Transnational Organized Crime from 2000 represents a major step forward in fighting transnational organized crime, providing an inclusive legal framework for the fight against organized crime. Also it stands for the recognition by UN member states of the importance of international co-operation in the fight against organized crime. The UN Convention entered into force on 29 September 2003 after 147 States had signed it and 82 ratified it. Until now, the Convention has been signed by 147 States and ratified by 93[5]. The Convention includes various mechanisms designed to enhance its implementation. According to Article 32 of the Convention, a conference of the Parties supported by a permanent Secretariat has to address the necessity that States Parties effectively take steps towards enforcing national legislations design to implement the UN Convention and consequently combat national and transnational organized crime. The first session of this conference was convened in Vienna, from 28 June to 9 July 2004.

The first major contribution of the UN Convention against Transnational consists in the establishment of universal definitions for some fundamental concepts of criminal law in terms of the fight against organized crime: organized criminal group, serious offences, and proceeds of crime. The Convention defines *„the organized criminal groups“* as *„structured group of three or more persons existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention in order to obtain, directly or indirectly, a financial or other material benefit.“* [6]

Another important contribution is represented by the fact that it brings criminal legislation together, obliging states to make participation in an organized criminal group, money laundering hindering the proper functioning of the criminal justice system and corruption criminal offences. The Convention establishes four specific crimes (participation in organized criminal groups, Art.5, money-laundering, Art.6, corruption, Art.8, and obstruction of justice, Art. 23) to combat areas of criminality which are commonly used in support of transnational organized crime activities. The Protocols then establish additional crimes which deal with their basic subject-matter (e.g. trafficking in persons, smuggling of migrants, smuggling or illicit manufacture of firearms.

The UN Convention against Transnational Organized Crimes creates the opportunity for the States Parties to rely on each another in investigating, prosecuting and punishing crimes committed by organized criminal groups where either the crimes or the groups who commit them have some element of transnational involvement. This should make it much more difficult for offenders and organized criminal groups to take advantage of gaps in national law, jurisdictional problems or a lack of accurate information about the full scope of their activities.

The Convention deals with the fight against organized crime in general and some of the major activities in which transnational organized crime is commonly involved, such as money laundering, corruption and the obstruction of investigations or prosecutions. To supplement the Convention, the Protocols also tackle specific areas of transnational organized crime that are of particular concern to UN Member States.

The Convention aims at closing the legal loopholes that have been exploited by the criminal groups, the basic idea behind the Convention being to get all countries to harmonize their national laws. In this attempt, various provisions are intended to state instruments for law-enforcement and prosecutorial agencies, to encourage and co-ordinate prevention efforts and to support and protect victims. Under the provisions of the Convention the State Parties should criminalize offences committed by organized groups, including corruption and corporate or company offence, combat money laundering, speed up and widen the reaches of extradition, protect witnesses, tighten cooperation to seek out and prosecute suspects, enforce the prevention of organized crime at the national and international level. Many of these already exist in the domestic laws of member states, but some states do not have them. The Convention is intended to encourage those who do not have such provisions to adopt comprehensive measures and to provide them with some guidance as to how to approach the legislative and policy questions involved. It is also intended to provide greater standardization or co-ordination of national policy, legislative, administrative and enforcement approaches to the problem to ensure a more efficient and effective global effort to control it.

The organism responsible with making the Convention work is the Conference of Parties. Article 32 of the Convention states the establishment of a Conference of Parties, supported by a permanent secretariat. The purpose of the Conference of Parties is to assist Governments in combating transnational organized crime and also to promote and monitor the implementation of the Convention. In this account the Conference of Parties takes various measures which include: facilitating the exchange of information among nations on patterns and trends in transnational organized crime, cooperating with relevant international, regional and non-governmental organizations, checking on how well the countries are implementing the Convention, making recommendations to improve the convention and how it is implemented.[7]

The Convention provided that Conference meeting would be held not later than one year after the treaty has gone into force. This meeting concluded in the first session of the Conference of Parties to the UN Convention Organized Crime held in Vienna from 28 June to 9 July 2004. Fifty-seven States Parties, 42 signatories and four observers participated in the first session of the Conference of Parties, next session taking place in 2005. At this first session 3 themes were approved for discussion of the second session of the Conference in 2005: the basic adaptation of national legislation in accordance with the Organized Crime Convention and its Protocols; criminalization legislation and difficulties encountered in the implementation of the instruments; and international cooperation and technical assistance to overcome difficulties identified in implementing the Convention and its Protocols.[8] Also the Conference approved a standard questionnaire prepared by the Secretariat which purpose is to collect information from State parties and signatories. An analytical report based on the responses to the questionnaire will be submitted to the second session.

Taking in account the Conference's competences stated in the Convention, The Conference of Parties represents an important organism to enhance the implementation and enforcement of the Convention, creating the opportunity to boost the links between law enforcers of various countries and to translate its content into national legislation.

The Convention and three protocols were conceived to be in a close relationship. Art. 37 of the Convention provide that States must ratify the Convention before they can be a party to any of the Protocols. This means that each Protocol must be read and applied in conjunction with the main Convention: countries may be party to the Convention only, but not to a Protocol only. The various articles of all four instruments are drafted accordingly: the main Convention has general provisions dealing with such things as co-operation, technical assistance, and legal assistance, and each Protocol has more specific provisions supplementing and adapting these rules for application to the specific problems associated with trafficking in persons, smuggling migrants, and trafficking in firearms.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children entered into force on 25 of December 2003 after it had been signed by 117 and ratified by 64 states[9]. The Protocol is intended to „*prevent and combat*" trafficking in persons and facilitate international co-operation against such trafficking.[10] It provides for criminal offences, control and co-operation measures against traffickers. It also provides some measures to protect and assist the victims.

Under the provisions of the Protocol, „*trafficking in persons*" is intended to include a range of cases where human beings are exploited by organized crime groups where there is an element of duress involved and a transnational aspect, such as the movement of people across borders or their exploitation within a country by a transnational organized crime group.

The Protocol defines the „trafficking in persons" as „the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs"[11].

In addition to taking action against traffickers, the Protocol requires states which ratify it to take some steps to protect and assist trafficked persons. Trafficked persons would be entitled to confidentiality and have some protection against offenders, both in general and when they provide evidence or assistance to law enforcement or appear as witnesses in prosecutions or similar proceedings. Some social benefits, such as housing, medical care and legal or other counselling are also provided for.

Following the main principle of the Convention, the co-operation between the signatory states, the Protocol also states the need for co-operation between States parties in order to prevent and combat trafficking in persons, paying particular attention to women and children and to protect and assist the victims of such trafficking, with full respect for their human rights. **The Protocol against the Smuggling of Migrants by Land, Air and Sea**, was adopted due to the recognition by the international actors of the lacking of a universal instrument that addresses all aspects of smuggling of migrants and other related issues. The Protocol entered into force on 28 January 2004 after it had been signed by 112 countries and ratified by 57[12].

The Protocol addresses the problem of organized criminal groups that make profits from smuggling immigrants and is intended to combat smuggling by the prevention, investigation and prosecution of offences, and by promoting international co-operation among the States Parties[13]. It is also intended to protect the human rights and other interests of smuggled migrants by promoting international co-operation to that end. It is not intended to deal with activities which do not involve an ”organized criminal group as defined in the Convention itself. States Parties are required to criminalize the smuggling of migrants, which includes the procurement of either illegal entry or illegal residence in order to obtain any financial or other benefit, whether direct or indirect. States would also be required to criminalize the procurement, provision, possession, or production of a fraudulent travel or identity document where this was done for the purpose of smuggling migrants[14]. The instrument is not intended to criminalize migration itself, however. It provides that migrants should not be liable to prosecution for a Protocol offence „for the fact of having been smuggled“, but does not exclude liability for the smuggling of others or other offences, even where the accused is also a migrant him- or herself[15]. Requirements to criminalize attempts, accomplices, conspiracy and other contributions to the offence are also included. In recognition that smuggling is often dangerous, and to increase protection for migrants, States Parties are also required to make smuggling in circumstances which endanger the migrant's lives or safety, or which entail inhuman or degrading treatment as aggravating circumstances to the Protocol offences.

The Protocol against the illicit manufacturing of and trafficking in firearms, their parts and ammunition was adopted on 31 May 2001 at the fifty-fifth session if the General Assembly of the United Nations. The Protocol has not entered yet into force, being signed by 52 and ratified by 30 states. The main purpose of the Protocol is to combat the illicit transfer of firearms from one country to another. To accomplish this, other activities, such as the illicit manufacture and the illicit transfer of parts, components, and ammunition are also addressed and additional requirements, such as the marking of firearms for identification purposes and the keeping of records to permit tracing, are also imposed.

”Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life, and allows organized crime, terrorism and other threats to human security to flourish“[16]. Corruption is the main vehicle through which crime groups achieve their aims. In its attempt to address all aspects of organized crime, UN recognized in its resolution 55⁄61 of 4 December the need of an international legal instrument against corruption, independent of the UN Convention against Transnational Organized Crime. The text of the Convention was negotiated during seven sessions of the Ad Hoc Committee for the Negotiation of the Convention against Corruption. **The UN Convention against Corruption** was opened for signature from 9 to 11 December 2003 in Merida, Mexico and remains open until 9 December 2005 at UN Headquarters in New York. The Convention had been signed by 113 and ratified by 9 and will enter into force as the 68 article provides „on the ninetieth day after the deposit of the thirtieth instrument of ratification, acceptance, approval or accession.“ [17]

The new Convention seeks to ensure the criminalization of a wide range of forms of corruptions and obliges Member States both to take effective preventive steps to protect the integrity of their institutions and to provide a framework for improved international cooperation, including in the important field of asset recovery.

Concluding remarks

In the awake of the 21st century the combination of Post Cold War and Post September 11, dynamics in the global and European security environments brought into the light new and more powerful threats to the international security and stability. In this new international environment organized crime remains one of the major non-military threats to global security. The close relationship between organized crime and terrorism makes organized crime more menacing. We can't speak about a clear distinction between organized crime and terrorism, since an important part of the profit obtained in criminal activities is used to sustain terrorist networks. Taking in account this relationship between organized crime and terrorism, measures to fight and control organized crime are in the same time measure to fight and control terrorism, better said to cut down the financial and material resources of terrorist networks. From this point of view, the international co-operation is critical for the fight against hidden enemies that threaten the global security and stability.

One of the main successes in the international co-operation against organized crime is represented by the UN Convention against Transnational Organized Crime and its supplementary protocols. These legal instruments create a highly complex regulatory framework for police and judicial cooperation in a classic core area of state sovereignty in which there had previously been very few bilateral and even fewer multilateral, binding agreements. The UN Convention against Transnational Organized Crime succeeded in creating a comprehensive legal framework for the fight against organized crime. Critical to the success of the Convention and its Protocols is their implementation but they are already sending a strong signal since they clearly demonstrate the political determination of the international community to take up the fight against organized crime throughout the world.

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3 Article 36, paragraph 1, United Nation Convention against Organized Crime, New York, 15 November 2000, http://www.undoc.org/undoc/en/crime_cicp_convention.html

4 Article 36, paragraph 2, United Nation Convention against Transnational Organized Crime, New York, 15 November 2000, http://undoc.org/undoc/en/crime_cicp_convention.html

5 United Nations Convention against Transanational Organized Crime, Status: Signitories 147, Parties 93, November 2004

6 Article 2(a), United Nation Convention against Transnational Organized Crime, New York, 15 November 2000, http://www.undoc.org/undoc/en/crime_cicp_convention.html

7 Article 32, paragraph 3(a,b,c,d,e) United Nation Convention against Transnational Organized Crime, New York, 15 November 2000, http://www.undoc.org/undoc/en/crime_cicp_convention.html

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11 Article 3(a), Protocol to Prevent, Suppress and Punish Traficking in Personns, Especially Women and Children, New York, 15 November 2000, http://www.undoc.org/undoc/en/crime_cicp_convention.html

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15 Ibidem, Article 3 bis

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INFORMATION SECURITY POLICIES AND STRATEGIES ELABORATION UNDER ROMANIA'S INTEGRATION PROCESS IN THE EURO-ATLANTIC STRUCTURES

Colonel Ion CIOBANU

The attacks patterns, directions and insecurity sources complexity determines the complexity and the hierarchy of protection types, and supposes their integration into a strategy based on insecurity risks and security measures costs evaluation.

Information protection policy and strategy shall have as primary goal an established level of security, differentiated for components, services, information and users.

In this context, we appreciate that an informational society must reach a stage where to have a proper legal and methodological framework, functional structures and sufficient resources capable:

- to assure unaltered and secure developing of decision processes, to protect the information content, to assure the secure functioning of information systems and critical infrastructures components;
- to discourage, trough informational means, any action against national security;
- to timely discover the informational actions, finding also their sources, goals, channels and means, protecting against them and making estimates regarding their future evolutions and the costs and implications of the protection;
- to take informational actions for promoting and protecting national security interests.

The stage can be reached by passing trough these objectives:

- elaboration and adoption of information protection policy and strategy, which to establish a principles, objectives and requirements set, in addition to the legal, structural and methodological framework;
- understanding, at political and military high decisional level, the need of an institutionalized approach and development of the information protection domain, going from threats, vulnerabilities, risks and opportunities analysis supposed by this vital domain from the national security point of view;
- building the legal framework, at national but also departmental level, to allow the institutionalized development and the proper functioning of specific structures;
- the development of a methodological framework, composed of methodologies, procedures, algorithms and techniques to allow the unitary functioning of all structures and capabilities, from conceptual and technical points of view;
- adequate, multidisciplinary human resources training, trough a permanent collaboration with the intelligence, academic and research communities;
- development of information protection infrastructure, according to national security interests, in parallel with the systematic evaluation of the domain vulnerabilities, threats and risks, to ensure methodologies, standards and procedures implementation, needed for information protection during data processing, storage and usage.

Therefore, it is necessary to establish the conceptual and also methodological base, and to create a legal and institutional framework to allow a coherent, global and unitary development of the information protection domain, considered of high priority.

1. Establishing a proper legal framework

Establishing the proper legal framework of the information protection domain supposes assuring its conformity with the complex normative aspects and also with the social implications of information. Thus, regulations not able to keep the pace with information technology and its social implications, determine legal advisers to appreciate that data and information alteration, modification, destruction or theft are not crimes against goods but they are the result of information systems viability.

In the last years, information security specialists in Romania, after analyzing concepts like vulnerability, threat, informational risk and the serious consequences to information systems viability and especially to the national security and after documenting from NATO and UE standards, issued specific regulations and amended the current ones to be in agreement with the newest Euro-Atlantic requirements.

Taking into account that information protection is a problem which assumes restrictions and supervision applied to human way of acting, it appears necessary to develop a clearly defined and realistic legal framework, where the protection could manifest its will and constraint elements.

On this line, information protection must be understood as a priority regarding national security, and shall include:

- provisions in organic and special laws, with regard to protection, confidentiality, intellectual property rights, access to public information, data processing and transmission;
- specific legal procedures to strictly regulate information protection corresponding public authorities aspects;
- general and specific protection regulations, to tackle process security or different aspects (physical, personnel, data and information protection, environment etc.), regulations with regard to dangerous acts, specific measures etc.;
- deontological codes, as results of more restrictive, but globally accepted, regulations, in virtue of private and inalienable rights to protect the activity, the patrimony, the data and the personnel;
- security commitments, supposing the establishment of a new knowledge and mutual, individuals-authorities, responsibility framework.

The development of an adequate legal framework for information protection, at departmental level, materializes in:

- information protection policy and culture;
- information protection strategy;
- information protection plan;
- information protection conception;
- security norms, standards and guides;
- security agreements.

Information protection law application shall transfer from a formal responsibility of the management to real responsibilities of the personnel, according to its competency and participation to the structure activities.

2. Information protection structures and mechanisms design and development

Building information protection structures and mechanisms has been long time seen as a "needed bad part", and imposed itself in Romania after 1990.

The information protection characteristic of security structures and mechanisms design and development, under the condition of IT and communications spectacular evolution, *assume that security structures correspond and react to the new security threats and risks:*

- Parallel and competitive evolution of organized crime and security technologies techniques;
- The danger of misinformation, attack to the image, information suffocation, and also information processing abuse;
- Fundamental mutations in information technology and communications;
- Limitation of security actions, due to financial and human resources restraints, to the detriment of anticipative protection, conscious and intelligent assuming of risks in their dynamics.

Moreover, security threats and risks knowledge allows design, implementation and functioning solution issuing, in accordance with the new security concepts promoted by IT & C security advanced states.

The activities intended to develop security systems are great financial, technological, informational and human resources consuming, therefore the security structures design and making appears to be very costly.

Although it is demonstrated that security, as quality fundamental element, is in a resource consuming and also producing process, there are still some doubts through decisional factors regarding the finance of the security structures design, development and functioning.

There are some **aspects** to be taken into consideration when designing information protection structures:

- Their place, goal and competency;
- Allocated budget;
- Security components, organizational structure and cooperation relations;

• Personnel selection, approving and training;
• Analysis, scientific research, coordination and control activities;
• Protected process and system (military, technologic etc.) characteristics;
• Security situation (criminality, social importance, environment threats and vulnerabilities etc.).

By reason of information security structures multi-functionality characteristics, and of the specific activity and environment, these can be efficient only if the bellow **principles** are accomplished:
•Actions confidentiality and results transparency;
• Autonomy of actions;
• Competency and juridical responsibility;
• Decisional power;
• Multi-functionality;
• Structural and functional adaptability;
• Personal integrity and morality;
• Institutional and personnel professionalism.

The information protection structures (their size and competencies) development depends on the following **factors**:
• the specific and interests of the structure to be protected;
• informatization level;
• security threats, vulnerabilities and possible risks;
• budget;
• undesired events consequences;
• security mechanisms strategy and structure, and obtained security environment performances.

In addition, we consider that these structures design should take into account aspects such as:
• their role and place are conditioned by interests, confusions between conception and dimension, and also by specific regulation lack;
• the security structure is usually conditioned by financial resources and not by the functional aspects;
• security structure place, role and competency are influenced by their futures, projects and actions;
• security resources dimensioning is not based on a professional threats and risks analysis or on the creation of an adequate security environment.

Although it is considered true that security is a quality and stability element of each activity, process or system, the acceptance of a security structure is a decisional issue, more or less conditioned by resources restraints or by the difficulty of supporting great security costs, not saved in short time.

Regarding the information protection mechanism, with no regard to the chosen strategy, it ensures the system secure functioning, based on domain norms.

When designing and develop the security mechanism it should take into account the following elements:
• the security conception and strategy;
• insecurity directions;
• the security risk resulted from the threats and vulnerabilities analysis;
• security mechanism developing and functional costs.

We consider there is no perfect security mechanism, because every mechanism has its conceptual, constructive and technological weaknesses, no matter how much resources are invested, and an adaptation dynamic under the reality evolution pace.

Security mechanisms are designed to realize a rapid, dismaying, reflexive (measures and countermeasures) and multi-dimensional (organizational, physical and informational) functionality, with the object of accomplishing the following functions:
• acts (attacks) preventing and dismaying;
• malicious acts early detection;
• delaying;
• stopping;
• reducing the effects of unsuccessful acts;
• security events accounting and analysis.

The prevention of insecurity producing events and the *dismaying measures* have a great importance, even decisive, for the information protection process, and are based on the following *reasons*:
• dealing with an event is more costly than preventing it;
• the number of similar events produced in one environment is big enough to be used for prevention;
• most of security events consist of common elements, although they are separately and apart produced;

• insecurity events which can generate identical hazard situations, although separately produced and differently acting;

• the exploit of the other social-economic environments insecurity events similarities;

• crime potential studies and competent structures actions to permanently prevent crime acts;

• criminal acts preparing situations analysis and attacks preceding actions exploit: surveillance, concentration, adequate means providing, intelligence, liability and instability situations, repeated attacks types etc.

Although accident and disaster preventing already has a developed culture, being based on efficient organizational and technological means, *informational environment crime prevention* is far from having a similar culture. Therefore, undesired events and acts prevention represents a fundamental component of the informational environment security concept.

Taking into account that insecurity events prevention is easier than dealing with them or diminishing their consequences, *prevention could be considered a defending action, based on: informational environment knowledge*, security phenomena diagnose and forecast, organizing prevention actions according to undesired events features and typology, insecurity factors cancellation and or undermining, threats and vulnerabilities identification, informational environment risks determination, environment personnel education, dismaying factors accounting, taking part to collective security initiatives and to preventing or dismaying actions managed by competent authorities, and, not lastly, *proper security mechanisms and structures design and deployment*.

Security mechanism structure should be multilevel, hierarchical from functional and acting point of view, with elements structured in security mechanisms. This is very complex, its development methodology having usually four *stages*:

1). Security environment and risk analysis and evaluation, then security strategy variants determination:

○ Security environment and values to be protected determination;

○ Threats, vulnerabilities and security risk analysis and evaluation;

○ Security strategies variants elaboration;

○ Security costs calculation;

○ Residual security risk accepting.

2). Security mechanisms design, implementation and accreditation:

○ Security strategy variant selection;

○ Security program elaboration, with clearly defined milestones, responsibilities and implementation phases;

○ Tests and security inspections;

○ Security mechanisms homologation and accreditation.

3).The accredited security mechanism authorization and assurance represents its legal acknowledgement and functional ability;

4). The operationality and perfection which suppose actions taken to permanently evaluate the risks, security processes harmonization, structural, sometimes important, modifications going to other security policy adoption or design. This situation demonstrates the security mechanism functional capacity to continuously improving, like open systems.

After performing an analysis of security mechanisms design, implementation and functioning principles, *on appreciates that*:

• security mechanisms should be the result of a complex process, of a realist and pragmatic conception, based on the risks analysis, on the adoption of complex and adequate means and responsibilities, and, not lastly, on the supported costs optional capitalization;

• the security strategy adoption should be a consequence of the security structure implementation and a must for the security system implementation;

• the security mechanism acts like an adaptable, improvable, open system;

• the security risks analysis represents a complex action, considered a very important scientific activity, being always the efficient security mechanism implementation key;

• the security mechanism implementation to maintain a proper security environment supposes a professional, multi-dimensional approach, based on great scientific and technological achievements, which build an integrated and spatial, technical, legal, human and procedural harmonized system.

Moreover, security mechanism used for information protection should be multifunctional, covering the physical, technological, informational and personnel fields, and ensuring the entire range of security services: protection, dismaying, detection, delaying, stopping, limitation or cancellation of undesired security events consequences, retaking the activity after their production and the post-factum analysis, useful to improve security reactions.

3. Resources allocation for information protection

Information protection developing suppose important material and financial resources allocation which, sometimes, seem unjustifiable in front of unseen threats.

On this line, in order to better argue the *information protection costs*, it should be taken into account the next *elements*:

• Information systems are permanently under the pressure of successive and/or overlapping threats and attacks, with independent effects;

• Cumulative or secondary aspects;

• Every state or threat usually generates o reaction process (defence, attenuation, cancellation) in accordance with the adopted security measures and countermeasures;

• Each protection measure has a cost;

• Each successful attack or threat generate a damage, which can be evaluated;

• There is professionalism and costs rapport between the accepted security level and the assured resources.

After performing an analysis of these elements, the **allocated resources** should sum up the following *costs*:

•Protection equipment costs, including installation, maintenance, training and utilization spending;

• Personnel costs, like wages, bonuses, services etc.;

•Administration costs, unpredictable but strictly needed for protection;

• Opportunity costs, that is potential savings, according to the chosen protection variant, as is security efficiency and the assumed risk.

Thus, the information protection assurance cost (C_p) includes the security mechanism, work, and its implementation and functional costs.

Adding to these costs the cost of insecurity, it results a complete picture of resources to be allocated to information protection.

Insecurity cost (C_{is}) can be estimated as being the sum of:

• Basic costs (C_p), that is lost goods as result of the security event and of the protection assurance error;

• Adjacent costs (C_a), that is destroyed equipment repairs or replacements spending, ten times bigger than basic costs, as seen below:

$$C_{is} = C_p + C_a \equiv 10C_p.$$

From practice, we *appreciate* that, in general, security costs represent 15 – 20% of basic costs:

$$C_s = (0.15\text{-}0.20)C_p$$

It results a rapport between insecurity losses and security costs of approximately 50-65.

Thus, through a security investment of 10.000$, on prevents 50-65.000$ losses.

In conclusion, protection (resources) investments in information systems should be in relation to the value of information to be protected, with the accepted risk and the supported cost.

VIRTUAL WORLD - PROGRESS OR DESTRUCTION VECTOR?

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In December 2004, the Jordan authorities arrested Murad al-Assaydeh, a 18 years old Palestinian, accused of using Internet in order to threat the Jordanian security department with attacks. The young man was convicted by a military court for "the threat by using violence for undermining general security".

Assaydeh had travelled twice to Palestine since August 2003, getting in contact with a radical Islamist called Abu Jamil who trained and convinced him by "the necessity of fighting against actual Arab regimes". Abu Jamil confessed to the young man that one of the actual methods of the holy war is the electronic jihad. Assaydeh was encouraged to send e-mails to his targets. Coming back to Jordan, he got familiar with the Islamist web sites and started going to Internet cafés. In November 2004 he sent an e-mail to the counter-espionage department, called "Awbash" ("Bastards", in Arabic) and threatened with terrorist attacks. "You should know that by Allah's will I have entered into your structures and soon you will have really bleak days", he stated in one of the messages. He pretended he targeted missiles on security services buildings and he placed inside booby-traps.

They say there is a strong connection between this arrest and accusation formulated by Jordan against Abu Musab al- Zargawi – the terrorist the United States offered 25 million $ due to the Iraqi attacks – according to which he plotted with attacks with chemical weapons the Jordan security premises.

This is just one of the example when the electronic communication means are used to promote terrorism or for performing directly terrorist attacks[1]. Internet has been used lately as a mean of accelerating and coordinating the terrorist activities. But the noxious usage of Internet does not stop here. It is used for state and industrial espionage, for overtaking the virtual space inter-state conflicts and for cyber-criminality – this being the most important noxious use of it. On civilian field, the doctors warn on the negative effects of the excessive use of Internet have on young people. Meantime, more and more, commercial companies depend on Internet for their businesses, gaining both the good effects of this mean of communication and the problems caused by its vulnerabilities.

Taking into account these evolutions, what can be said about the future of Internet and the role it plays inside the human society, mainly in the military field? What can we expect in the next years of electronic communication evolution? How will these evolutions affect the military thinking and defence strategies? This paper ties to offer some answers to these questions.

The Internet, the spread web. Till where, till when?

In '80s, the project and development effort on silicon area provoked a long revolution presented in media – the start of personal computers, the commercial Internet, high-speed electronic communications – but their fast development created a creativity crisis at global level. People have massively focused only on this technology increasing the speed of calculation, creating larger problems and starting point using computers basically for any activity. This required the improvement of communication capabilities between computers, Internet being considered the proper medium for communications. It was thought as a safe medium for rapid communications. It was thought as a safe medium, being initially conceived for military use. Unfortunately, we have few viable alternatives to Internet. If it gets troubled or even destroyed, the whole world will get into a huge financial collapse[2]. It is worrisome Internet is really vulnerable to organised attacks and protection measures against its illegal use are insufficient for the time being.

In the last ten years the countries which knew how to intensify the new technologies had huge benefits. That is why it will be unthinkable to have a global economy and military structures without computers. We face a major perspective change. Up to the appearance of fundamentally new technologies (bionic, optic) able to completely change the IT field we will not notice anything spectacular. That means in the coming years there will be a software development to maximize the actual hardware resources or to redesign some hardware structures able to double or triple the calculation power without changing totally the technology.

There are two main development directions – the larger role played by the human element in IT area and integrating IT in any area of human life, affecting both the intimacy of people and the social structures – states, civilian and military institutions. Therefore, we notice a rhythm change, from increasing the hardware power to ability to manage information.

From this perspective, it is vital to pay a special attention to information security. Internet is used on a larger scale today, so its attacks have global, massive and dangerous effects. It is necessary to rethink information structures that should include the IT security, but not thinking of it as a simply add-in. For Romania, that starts from an almost inexistent information system this stage is an important chance to make things better from the very beginning. Our state institutions should not repeat the mistakes done by developed countries bodies that now confront with huge costs on securing IT systems.

Romania should maximize the use of electronic communication building stable and solid information systems despite of their vulnerabilities. In order to succeed, it is necessary to completely understand what the information security means and the best way the state institutions – including the military ones – should ensure their protection.

Confidentiality, integrity, availability – basic rules for data security

If we cannot do much for the medium of electronic communication, we may undertake coherent defence actions against the vulnerabilities. There are three basic rules that increase the safety. Confidentiality is the characteristic of information that may be accessed only by the owner or by the ones who have his explicit permission. Integrity represents the exact state of data, the way they were conceived or modified by owners or the ones delegated to. Availability is ensured only when authorized persons may access them any time.

Unfortunately, there is no hardware or software solution to ensure a complete security for any possible attack and electronic danger. The different types of threat have always generated specific answers, based on conflict principle. There were seldom imagined solutions capable to handle some unknown types of attacks[3]. The security solutions market is deeply crumbled. None of the international solution producers has succeeded in having more that 10%. GeCad is one of the few companies that accepted this challenge and tries to make up solutions capable to answer effectively to a large spectrum of attacks.

This is beneficial for the market competition but the lack of coherence in security commercial applications has repercussions in defence field and good functioning of any country’s vital systems.

The security of state information systems – military or commercial approach?

First of all, when we speak of Military Forces we notice the usage of commercial solutions in the military field should be managed by internal specialists and should be just a first step in achieving safe electronic military communication systems. If the damages are only financial in commercial area, in the military area they may have disastrous effects. However, many military bodies adapt the communication solutions to their needs. Sometimes it happens vice versa. Checkpoint, an application developed in the 90s by Mossad, as a military solution, has become a successful commercial system.

Western military bodies invested in their own R&D institutions. Still, developing security programmes with military applicability may be a burden for transitional countries. That is why we consider the best option is to develop strategic partnerships with commercial security companies that should generate solutions for securing the military information.

As the Checkpoint example reveals, there will be installed on hard parts of Internet displays to stop viruses and the programmes used by hackers. They will diminish the success rate of such attacks.

Secondly, the state's institutions use commercial applications only for punctual requirements. These are extremely vulnerable to attacks, mainly when they do not have a professional administration. For example, if the IT system of a central civilian structure is blocked due to an attack, the follow-up does not necessarily have major effects[4]. But if the IT systems controlling the road and train traffic, gas pipes or cooling systems of an electrical station, they may easily communicate with computers connected to Internet and they are unauthorized accessed by infected systems from the central structure, it is easy to imagine the power hacker will have if he knows how to use the civilian facilities above-mentioned[5].

That is why it is not beneficial to have a stricter commercial approach when equipping the state's institutions. The vulnerabilities may have major repercussions in the military area, including the state's safety. The lawmakers should not look on short-term cost and benefits but the national security issue.

Not the simple use of Internet in terrorist purposes is the one able to produce damages similar to the ones produced by a military attack against a country, but the combination between physical and virtual attacks. This potential destructive cocktail must be the starting point of rethinking the emergency strategies. To regain the authorized control on any vital system may be done in few minutes. Any second left may contribute to disasters destabilizing the society and trust in its defence structures[6].

Future, a world of the electronic communications security, but on other basis

In the next ten years, electronic communications will be more and more integrated in each aspect of human society life. This integration brings huge benefits and responsibilities. The Internet use for noxious purposes and the interest it raises from terrorist organizations has to determine a clear rethinking of information security.

As the information security is integrated in projecting the governmental information systems from the very beginning, it has to be the core of any new project in this area. The civilian strategists must know the military conflict psychology in order to build really protected and secured communication architectures. They should be designed against distributed massive attacks. On the other hand, military strategists should not resume on placing commercial applications in military field but using the new technologies in a way they should quickly interact with the civilian infrastructure and completely independent, if necessary.

The partnership with security companies is the most effective way to update the military field and make it capable to answer coherently to the new threats on state security. These partnerships may be signed for specific projects, strictly defined, in order to renew the security of information system. The power of these companies consists in their specialisation and capacity of keeping confidentiality of any interactions with military structures.

The countries that will know how to build information systems taking into account from the very beginning the safety of information will be the one successful in the 21st century. This is the real importance of virtual world has for each person, state's structure, including the military ones.

NOTES:

1 In the fall of 2001, FBI started investigating the massive and coordinated activities of scanning digital systems used for managing the facilities and governmental offices from California. Routed by telecommunication switchers from Saudi Arabia, Indonesia, Pakistan, tens of unknown browsers explored the emergency phone systems, electrical, water stocking and processing factories and the information systems owned by nuclear and thermo electrical stations. This large scale scanning precedes the organisation of a huge attack on any geographical location. On one of the computers captured last year from an Al Qaeda hiding place there was found this type of information.

2 This case is well illustrated by Luxembourg airport and British Coast Guard system cases that were out of order due to Sasser, a virus that made 6 billion $ damages just a few days after its spread, as its operating way of action stopped the infected systems. Coordinating such a virus attack with a physical one in order to attack a city or its emergency system may have catastrophic effects, paralysing all the activities and creating a chaos and fear climax, favourable to terrorists.

3 Attacks are more and more difficult to anticipate as there is little time between discovering and alerting on vulnerabilities in operating systems. Internet may be hugely affected in few hours. In 2003 the fastest warm on history, Slammer, succeeded to affect 90% of worldwide computers in less than 10 minutes since the 1st infection, doubling the infection sizes at every

8.5 seconds. There were civilian and military electronic network breakdowns, air flights cancelled, elections and ATMs stopped.

4 Because the control digital systems that these civilian facilities are equipped with were not projected taking into account an unauthorized public access, they are sometimes vulnerable to simple attacks. In 1998, a 12 years old hacker unconsciously took the control of the systems commanding the water valves of Hoover Dam, US. An FBI investigation dated 2002 revealed the technical necessary information for penetrating these systems were discussed on Internet forums. The specialists assert these vulnerabilities are well known by potential Al Qaeda hackers logged in these forums.

5 "We underestimated the efforts Al Qaeda paid on Internet", Roger Cressey said in 2002. He was the Chief of Cabinet on protecting the vital infrastructures for the US President. "Now we know they think of Internet as a potential attack vehicle. Al Qaeda spent much time scanning and checking our vulnerabilities in cyberspace".

6 On 9/11 2001, after New York and Pentagon attacks, the air traffic controllers succeeded in safety landings all the commercial planes. If their systems would have been simultaneously affected by a Sasser or Slammer, controlled by hackers from distance, the human tragedy had been unimaginable. The electronic patterns of a hydrotechnic dam found on a laptop confiscated from Al Qaeda in 2002 shows a clear interest from fundamentalists for this sort of attack.

CRITICAL INFRASTRUCTURES. RISK AND VULNERABILITY IN THE EUROPEAN CONTEXT

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Finally, the developed world has come to the same conclusion: our societies are increasingly fragile and hence more vulnerable. Critical Infrastructure (CI) acquires more and more importance, systems and assets, whether physical or virtual, become vital for any state or alliance, so that the incapacity or destruction of such systems and assets would have a debilitating impact on security, economy, public health or safety, or any combination of those matters.

The Critical Infrastructure is part of our days, we really see it only when the malfunctions appear, but those real or potential effects are ever consistent. Thus, the attacks on cyber networks become more and more aggressive, sophisticate and frequent, what can be motivated by strategies that have in view the political or financial destabilization. In Europe, critical infrastructure become even vulnerable especially because of geographic complexity and extension, from Lisbon to Vladivostok, ramified on North Africa and Turkey.

For a better understanding of critical infrastructure concept we must have in view the following aspects:

– is a network of independent, large scale man made systems and processes that function synergistically to produce a continuous flow of goods and services essential to society as a whole (e.g. the electric power system);

– is subject to multiple threats (technical-human, physical, natural, cyber, contextual) and pose risks themselves (e.g. transmission lines);

– is highly dynamic and complex, is laterally and cross-border dependent, both physically and through a host of information and communication technologies ("system of systems");

– disruptions may have cascading effects;

– has no single owner/operator/regulator;

– is based on different goals and logics, adhere to different rules and principles, apply different technologies.

Consequently, the critical infrastructure is linked by everything that sustain the viability of a society, beginning with administration, financial establishments, public services, health and social assistance, military and population protection and ending with food, water and power supplies, communications, education and research, mass-media etc.

A short history of Critical Infrastructure matter

In 1996 for the first time US officials discuss about the necessity of critical infrastructures protection. Thus, a Presidential Commission is established in scope to set up the guiding lines and the necessary documents and to pursue the application of them dispositions. In 2003, some strategies bring the light as „National Strategy for Physical Protection of Critical Infrastructure and Key Assets" and „National Strategy to Secure Cyberspace"[1] which represent the implementation components of „National Strategy for Homeland Security".

Also, the European Union made important steps on regulation of the critical infrastructure protection problems. Thus, in October 2004, the European Commission presented to European Council and European Parliament the document entitled „Critical Infrastructure Protection in the fight against terrorism"[2]. Simultaneously, Great Britain (Critical Information Infrastructure Protection), Norway (Critical Infrastructure Protection), Switzerland (Infosurance) etc. have documents which legislate the field and organisms which make efforts to ensure the infrastructures security that are even critical in the new risks and threats context at address of peace.

Threats at Critical Infrastructure address. Responses

In the last years the threats scale at critical infrastructure address become more and more varied and numerous. For example, in an energetic system case may face the following ones linked by:

– Strategic, tactical and operational management and operation activities at component or system level;

– Political, legal and institutional;

– Technology-related: physical internal (failures at component level; topology or structure malfunctions at system level) or external; cyber (isolated systems, "open accessible" systems);

– Human-related: insiders – unintended (errors) or intended (sabotage), outsiders – unintended or intended (cyber attack);

– Environmental: natural hazards (earthquakes, storms) or unavailability of resources (wind, sun, water).

Evaluation of these threats and responses to it are different on each side of the Atlantic. To protect themselves, the Americans tend to retreat behind their borders, even to the point of withdrawing from the movement of globalization that has characterized these last few years. USA may opt for an "offensive approach" with the attendant risk of harming their prestige and perception in the world. This is not the case in Europe, which promotes a "society without borders" and relies more on "soft power". Europe has wide experience in the field of civil defense in times of war or conflict and after attacks in Madrid (March 2004) it became aware of the need to address this question in times of peace. In any case, a great many concepts have the same signification and are used quite indiscriminately to define various aspects of security: protection of society, human security, internal security, collaborative security or comprehensive security.

New efforts and a new European doctrine

The technological gap in favor of the USA may see very clear in funds devoted to security-related research: 4 billion USD in the USA for fiscal year 2005 versus 1 billion USD budgeted from 2007 at the level of the European Commission. On short-term the Commission makes efforts in scope of creation of a European Security Advisory Board and development of a research program looking to 2007 with a potential budget of 1 billion euros a year. The priority sectors of these preparatory actions for developing the European security-related research are: improving warning systems and response; protecting critical infrastructures and national institutions; protection against terrorism and more particularly the biological threat, and interoperability. The whole plan is based on four major imperatives: reinforcing security in Europe, federating the different actors and encouraging them to work together, fostering industrial development, and creating autonomous capabilities.

The European Union organisms, knowing the new realities as appearing and escalating of new threats at security and stability address, the rise of economic factor weight, the globalization, the technological gap etc., work to a new doctrine which have to address the following main elements:

– five types of threat are recognized: terrorism, proliferation, regional conflicts, failed states, organized crime;

– these threats may also be interconnected: terrorism and proliferation, regional conflict and terrorism;

– a strategy is defined in response to these threats, based on three concepts: regional politics, cooperation, multilateral action;

– there is a concern with long-term problems such as poverty and deterioration of the environment - Europe can only "be safe" in a "better world";

– peacekeeping operations in which Europe is involved form a part of this approach.

In addition, characteristics shared by all European countries are now emerging: new form of terrorism with an escalation of the threat; poorly integrates minority communities (10%) in some countries which are targeted by fundamentalists; a response that tends to be primarily national, despite a gradual change in favor of an European approach; closely connected infrastructures which are also highly exposed.

Consequently, EU is more and more involved in different security-related sectors as antiterrorism, protection of information networks, public health, border security, natural or man-made disasters, and relations with third countries. Even the protection of critical infrastructures, a sector that was hitherto the exclusive responsibility of national authorities, is now being looked at on a pan-European basis.

Conclusions

• The subject of Homeland Security is "far from being stabilized" and indeed tends to raise more questions than it gives answers. The doctrine is still being defined both in the USA and in Europe.

• Structures and approaches are different in the USA and Europe. Dialogue between these two regions is still very fragmented. If the cooperation and dialogue will be more closely than the Americans and Europeans can benefit greatly.

• The technological gap between them is enormous and entirely in favor of the USA. We cannot yet speak of a transatlantic market.

• Europeans have tools that the Americans lack: the French Gendarmerie, Italy's Carabinieri, Spain's Guardia civil etc. They also have a long-term and global vision of the problems from which the Americans could usefully learn. But, Americans know how to mobilize the necessary resources.

• Finally, the military approach of one side could usefully be combined with the "pacifist" approach of the other side, even more precisely the search for a common model to combine the strengths of the two sides. Experiences and lessons learned can be a possible avenue for reflection in future work.

NOTES:

1 http://www.dhs.gov/dhspublic/display?theme=31

2 http://europa.eu.int/eur-lex/en/com/cnc/2004/com2004_0702en01.pdf

LEXICAL AND CONCEPTUAL EVOLUTIONS AS TRANSFORMATIONAL VECTORS

Colonel (ret.) Grigore ALEXANDRESCU, PhD

Having a deep insight into Romanian language nature, a word virtuoso, the national poet Mihai Eminescu analyzed the importance of verbal expression in the life of a nation, concluding that the language is „the measure of civilization". The lexica newest layer, neologisms and the concepts they are codifying, represents the level gauge in maintaining a language. The perpetual lexical enrichment is the result of a flexible mentality that, today, must address properly the challenges of a globalized world.

There is no way to freeze in the classical patterns of thinking and expressing, patterns developed during the "enlightment era", which consumed national resources, in particularly.

The NATO accession, the security and defense policy of UE approach, participating in multinational formulas in order to resolve regional and international security issues, imposed the use of terms directly borrowed from allies language, as well as some notions resulted from combining two or more formative elements, one, at list, coming from their vocabulary.

Although, in the need of adapting to the dynamic of concepts modernization, there were assimilated "ad litteram" new concepts, even though the national language, in theory and also in practice, has the appropriate or similar means of communication and comprehension.

The actual status, as UN and NATO member and future part of UE, determines the affiliation to the common values system. This offers Romania besides optimal development conditions, a certain amount of responsibility in the field of maintaining peace and stability at the global level, by addressing any kind of threats[1].

In that purpose, it must be sustained a great effort in order to adapt to new and future challenges, through collaboration with allied and partner states.

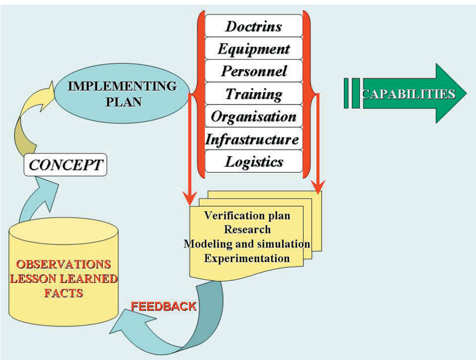
The transformation as a necessity

At the Istanbul NATO summit, in summer of 2004, it was expressed the need of modernization at every Alliance's level.

The new dimension of NATO, with 26 member states on two continents, provides us o large picture regarding the importance of this hyper organism in accomplishment of regional and global stability and security.

Its efficiency consists both in the cohesion of its members actions, and the power to adapt in a permanent and rapidly manner the strategy and tactics needed to counterweight all kind of risks and threats that occur.

At Prague, the Alliance stated, by signature of political and military decidents, the agreed for change. In order to putt decision to practice it was appointed Allied Command Transformation (ACT), in Norfolk, Virginia. ACT supervises modernization of NATO military capabilities based on the improved and experimented doctrines and norms. It further promotes new concepts and assists their implementation in allied armies.



Concepts development[2]

The transformation process takes place at multiple levels:

-Alliance's missions (force projection, conducting joint operations, deployment and sustainability in theatre of operations, promoting and protecting NATO interests, fight against terror);

-The approach for addressing future challenges, in order that Alliance must be able to coordinate and conduct military, economic, diplomatic actions with maximum of effect.

Transformation process must evolve in an anticipative manner[3], emphasizing the conceptual development, innovation and experimentation, in order to obtain optimal changes in doctrine, strategy, procedures, training, education and force planning.

Conceptual changes

As a term, "concept" represents, in Romanian language, an idea, a notion, a mental scheme describing how to get the desired result. The term comes from Latin (conceptus, concipere), with a similar sense.

Reference literature all around the world associates different meanings for the analyzed notion:

-French language dictionary specifies that the term concept (fr.) represents "a general idea about an object or an essence"[4].

-in German language "konzept" represents "a project, a plan, a conception"[5].

-in NATO acceptation concept (en.) represents "a notion or statement of an idea, expressing how something might be done or accomplished, that may lead to an accepted procedure"[6].

All these definitions, as well as the Romanian one: "general idea which reflects reality in a just manner; notion"[7] are considered adequate by philologists. Although, the large sphere of today used meanings by defense and security specialists, are not covered enough.

In order to avoid such a deficiency, ACT specialists are in the search for an adequate definition regarding term "concept", term that is viewed as the corner stone for the entire transformation and interoperability theory.

We must note one conclusion: "A concept is a description of an idea. This idea describes how to solve a certain problem or how to create a certain effect. A concept describes "what it is"; the scope of what it is discussing, and the general abilities being sought in the concept. The concept describes the "how" without being overly prescriptive or proscriptive, and enumerates the kinds of capabilities needed to create a certain result"[8].

No doubt, this definition might be improved regarding its concision, but it is important that creates a general framework that comprise the value, meaning and the relevance of "concept" notion.

One of the major trend in the NATO transformation process is constituted by Concepts, policy and interoperability, where are contained policy modernization and development, strategic concept and visions on NATO's role and mission, doctrines elaboration and strategy conception to achieve allies' interoperability.

The working-out process by importance and content of conceptual classes is as follows:

- Strategic concepts provide projections on the way NATO forces will achieve the Alliance's political and military objectives in the future. (Ex: decision superiority, coherent effects, deployment and joint sustainability);
- Operational concepts constitute the fundament on which are initiated specific concepts, programs and projects needed for emerging of changed capabilities. (Ex: information superiority, network based capabilities, efficient engagement, joint maneuver, joint logistics);
- Integrated concepts describe the functional capabilities segment, needed to achieve the objectives and standards mentioned in the operational objectives. (Ex: effects based planning, joint command and control, operation general picture, transnational and interagency coordination);
- System concepts describe a certain system or capability that offers a solution for an actual or future operational necessity. It is requested that the describing to be detailed and sufficient in order to sustain experimentation and execution development.

To conclude, we must agree that NATO is fully implied in a complex transformational process, shifting from a defensive and static military alliance which massed a huge, heavy army "to a more flexible and fast force focused on responding to threats from well beyond the European continent"[9].

Like every well done job, the beginning is constituted by the innovations theoretical base, emphasizing clear interpretation of the new concepts that are supposed to constitute the corner stone for future development.

In order to adapt to the transformation framework, Romanian Army is also getting through with restructuring and modernization process. To succeed in this action conception and action integration must be achieved by everyone involved in this complex process. Beside this, NATO's accession imposes that the content and significance of all document and agreements of the Alliance, must be perceived clearly with no room for misleading. Now, more than ever, the dissemination of new terms and concepts within the Alliance is necessary, by means providing a large accessibility scale. All this will certainly lead to a high level of coherence and synergy during team actions.

It is expected that the process will continue till 2007 and after. New conceptual changes and lexical borrows will takes place in the political-military speech after UE accession. And if today we adapt our language to the American and English philosophy, after 2007, we must become familiar with German and French mentality and their ways of expression.

To avoid the recurrence of the last years shock during the accommodation to the new notions, and the confusion generated by the mot-a-mot hapless translations of some major "reference" literature, it is necessary to prepare an early UE ascension, at least in terms of linguistics and, especially, concepts.

NOTES:

[1] According to Universitatea Națională de Apărare, Centrul de Studii Strategice de Apărare şi Securitate, **Amenințări la adresa securității**, Editura Universității Naționale de Apărare, Bucureşti, 2004.

[2] Cf. RDML Gerrz Mauer, USN – Deputy Assistant Chief of Staff, Joint Experimentation, Exercises and Assessment; Julian Starkey, AD Science and Tehnology – Concept Development, UK View, NATO CD&E Conference; Brigadier Lamont Kirkland – a Framework for Concept Development NATO CD&E Conference; LTC Wayne Buck – Concept Development & Experimentation. Fundamentals, NATO CD&E Conference.

[3] The Admiral Edmund P. Giambastiani, the Supreme Allied Commander Transformation visiting Bucharest in 2004 asserted that "the new NATO area for responsibility is no longer identified by geographical parameters, but temporal ones. This is the future", apud, Impact Strategic nr.2/2004, p.109.

[4] Dictionaire de la Langue Française, Ed. Hachette, Paris, 1994.

[5] Wahrig Deutsche Rechtschreibung, 2003-2005, Weissen Media, Verlag GmbH, Gueterloh/Muenchen

[6] NATO Glossary of Terms & Definitions (AAP6-2004)

[7] Dicționarul Explicativ al Limbii Române, Ediția 1998, http://dexonline.ro

[8] Michael S. Lancaster, SAIC, Operational Concept Development Branch, SACT, JEEA, p.3

[9] NATO and the Future of Trans-Atlantic Relations, Remarks by US NATO Ambassador R. Nicholas Burns at Wilton Park, Sussex, United Kingdom, 9 februarie 2004.

THE INTERNATIONAL IMPLICATION OF TERRORIST ORGANIZATIONS IN THE XXI[ST] CENTURY

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The evolutions in the international context nowadays show a recrudescence of terrorism, as it has spread over a lager geographic area and through the diversity of the objectives promoted, methods and means used, as well as through the diversity of the targets that the entities want to destroy by initializing, planning, organizing, supporting and accomplishing terrorist acts.

Although the forms through which the terrorist phenomenon manifests as well as some terrorist groups were carefully supervised by the organizations that deal with such kind of problems, lately, some extreme violent actions took place, having as targets civilian objectives, like crowded urban zones from all over the world. Taking into account all these; we can say that terrorism has surpassed its sphere of predictability relating to its motivations, modalities and objectives. As a conclusion, we can say that the terrorists can action anywhere.

Having all these as a starting point, all the world states must reshape their way of dealing with anti-terrorist fight from a conceptual, organizational point of view. There must be a permanent management of terrorist risks; the authorities and the public institutions must be aware of the suspect elements, as well as of those that carry on terrorist activities.

Still, the international community must prevent and control the terrorist phenomenon, in all its forms of manifestation, by concentrating its efforts in finding out the causes of terrorism: the total disrespect of human rights, the lack of order and of an adequate legislation, the lack of access to education, a good health care and resources, the spread of corruption. In our paper we like to offer arguments of why these causes generate both national and international terrorism.

1. Collective and international security

The present architecture of the international security reflects the characteristics of a geo-political medium in which it functions: the transition to a multi- polar international system, the competition between the great powers for the redistribution of the roles they are about to play, the strengthening of integration in different regional and global organizations, as well as the attitude of some states that want to hang on to their actual state of great power in order to occupy key positions in the global and regional security structures.

Security is based on political, as well as on military stability, as the political and the military factors are interconnected.

The complex evolution of the security environment is characterized by: the process of globalization, the European, and Euro-Atlantic integration of the Central and South- Eastern European states, as well as of the Baltic States, the Russian concerns generated by the need to obtain a decisional role in international problems, the more important part played by the Asian countries in the world political life, the Gulf crises, the denunciation of the Treaty on the Non-Proliferation of Nuclear Weapons by North Korea, the ever growing tensions between India and Pakistan, countries that possess nuclear weapons.

The deep changes in the security medium have modified both in a positive, as well as in a negative way, all the social, political and economic fields of human existence. These changes can bring about the change in the architecture of security, at regional and global level through the reshaping and re-settling of the security structures and organizations on new basis.

An efficient security strategy at the state level must look over the possible threats coming from individuals or organized groups, and to take into account the fact that other states are able to launch direct, asymmetrical attacks on other territories.

Such attacks can be under covered or not, so the origin of state that has planned them to remain unknown. In the case of hostile states that sponsors terrorist attacks, such actions can be considered acts of war and treated accordingly.

1.1. The Determinants of the Collective Security

The dynamic of the global, regional and, zonal security is tightly connected to the relationship between the risk factors and the present and future challenges and vulnerabilities of the states and of their regional and national interests. The success in achieving a solid stability and in securing the regions and zones depends on the objectives of the security policies, well identified and defined, as well as on the way in which the value indicators had proved to be viable in the practice of international relationships.

The evolution of potential risks and vulnerabilities of the systems for collective and national security are, also, important aspects to be taken into consideration when analyzing and evaluating the development of the international situation.

We think that the possible risks and vulnerabilities, characterizing the present situation are generated and influenced by the following aspects:

- The political instability : some political regimes have no legitimacy; political fights; oppressive measures and the violation of the human rights, that characterize the Balkan Peninsula and the Middle East;
- The national and international corruption and organized crime, specific for states or zones with dictatorial, non-democratic and, in transition regimes;
- The degradation of the environment; excessive pollution, the expansion of deserts, clearing-phenomena specific for Eastern European countries;
- Ethnic and religious politicizing; nationalism, extremism, fundamentalism, and xenophobia – to be found in the Southern Caucasus and in the Middle East;
- The proliferation of extremist and terrorist networks (Romania as well as, USA, Great Britain, Poland, Turkey, Bulgaria and Denmark are possible targets for terrorist attacks orchestrated by Al- Qaeda); the proliferation of mass destruction weapons, of strategic and, radiological materials, of net aggressions and of the traffic of drugs; the proliferation of immigration and of illicit traffic of persons;
- The risk of a conflict between the politic and social factors which, as it is well known, is the only solution left in order to bring equilibrium to the system;
- The risk of deviance from the international commitments and the appearance of a crisis of the state power (public authorities);
- The threat represent by the "STATE" regions through the erosion of nation states; the development of new concepts and institutions that offer the motivations and the resources to alternative patters for the old national frames; the regionalist ideas and theories a real "invitations" to autonomy and segregation;
- The danger of using the street force;
- The change in the democratic evolution in some nuclear countries (extremist forces have got the power through coup d'état)
- The danger represented by new alliances between groups of countries that posses nuclear, biological and chemical weapons, countries that have no consideration for international treaties, which ban or limit the proliferation of such king of weapons;
- The use of radioactive sources against state leaders, governments and military personalities;
- The economic competition – having as a main source the exploitation and the transportation of oil from the Middle East to Europe – has its part in strengthening and diversification of tensions;
- The spread of instability; promoting the Islamic fundamentalism and the interests of Islamic states in Eastern Europe by some compact ethnic groups form the neighboring regions (the Turks and the tartars from Crimea, the gagauzi from Moldavia, the Turks from South-eastern Bulgaria, the Bosnians, the Muslims from Kosovo and the Albanians from Balkan peninsula), as well as extremist factions that tear away from these groups;
- The existence of an instable climate – typical for terrorists groups and organizations- there are international ones like Al-Qaeda or regional (Hamas, Hezbollah, the Islamic Jihad, the Muslim Brothers, and so on).

1.2 The determinants of the national security

The today's political, economic and military evolutions, especially the historical decisions form April and May 2004, through which EU and NATO had reconfigured their dimensions, by accepting new members, marked the end of division, and the beginning of a new era in which a united Europe becomes more stable. Its relationships with other organizations, forces and centers of power are essential for the stability of a secure environment.

The present geo-strategic and political mutations on regional and international level, the actions performed by certain circles and groups of interests can destabilize Romania. We are not talking about "in the open" actions, or wars, in a classical sense, but of "discrete", "under covered" actions, performed on political, diplomatic, economic and social fields.

Our country has been undergoing some radical changes of its social system as a former socialist country, with a totalitarian system. The regional and sub-regional security strongly influences our national security and the transformations of our society.

The present national security of Romania is characterized by a lot of vulnerabilities, especially on the economic and social level. The diversity of unconventional risks, of crises typology and of the conflicts generate all kings of challenges, that need multi-directional relationships, based on mobility, diversity, coherence and on complementarily national and international environments.

Although the risk of terrorist attacks is of less importance, Romanian has to keep in mind that the terrorists consider NATO and USA as being a whole. The main terrorist organizations do not take an interest in our country, at least for the time being.

Because of the lack of terrorist activities on the Romanian territory, the specialized services have to take into account the future possibilities than present ones and to set the most probable threats. These can appear without any warning. The net centric war and the new discoveries in biotechnology will enhance the threat spectrum.

Romania's national security can be affected by the following categories of risks and threats:

 Threats on Romania's national security

o The widespread of international terrorism, and, as a result, its globalization;

o Totalitarian regimes which sponsor international terrorism;

o The illegal proliferation of nuclear, biological and chemical weapons, of components used in their production and of their use in terrorist actions;

o Crisis that can appear near Romania's borders;

o Corruption manifests itself in the Romanian society. Through its mechanisms, it corrupts the relationships, producing and inducing serious social effects. Corruption can create recesses in the system, offering the antisocial elements the possibility to take action.

 Net centered terrorism. The internet, so widespread and easy to access, offers the terrorists the possibility to advertise their cause. "Net centered terrorism" is a very dynamic phenomenon; the sites appear and disappear quickly, they change their address, being on constant move. The relationship terrorism- internet has an important component, namely the cybernetic warfare (attacks on computer networks), but one must not forget that the terrorist organizations use the communication network in many other ways.

 Mass media is also an important means for the terrorists that want to promote their ideologies and goals. The technological progress made everything possible: a message can be accessed by million of people from all over the world.

 There are states (Iran, North Korea, Cuba, Syria and Sudan) that support terrorism. They constitute a real threat to national security.

 Huge migration, which is illegal in Romania, has at its roots the social, ethnic, religious tensions, controversies and conflicts which could lead to the collapse of state structures, as well as of the economic structures of the instable regimes from our neighboring countries.

The terrorist groups use the communities of immigrants to their own advantage, thus, having at their disposition a vast material and logistic support network. They can recruit new members to sustain their cause. In the recent years, important members from terrorist organizations have asked for and have obtained asylum in different counties, assuming false identities. Making use of the legislation, they can live in that country over an extended period.

 The traffic of drugs represents a phenomenon that cannot be stopped in our country, in recent years. Many persons have been arrested, some of them Romanians. They are members of local and trans-national networks. In spite of all this, the drug traffic has extended and new routes were chosen.

 Undermining the state stability is another possible threat. Some national or foreign entities, some secret services undertake actions that are intended to attack the democratic foundation of the state, the patriotic feelings of the citizens, the social and politic stability of the society; the national and racial tolerance, can affect indirectly the stability of the state and its citizens.

 The natural disasters and the industrial catastrophes can disturb the environment; affect the people's health, thus attacking the human and material resources of a country that are to be used for national defense. Lack of food can create a crisis that, eventually, can transform itself into a threat on national security.

- There other types of threats: errors, explosions; fires, bomb threatening, fund extortion, embezzlement, false alarms, dilapidation, fraud, electrical power failures, theft, and vandalism.

The present security medium of our country and the predictable development of political and military aspects of European and world security show a reducing of serious military conflicts, but also that the asymmetric threats diversify and grow, being almost impossible to predict. The relevance of combined threats is also growing in importance. In such kind of threats, the armed forces of a state interact with a multitude of paramilitary organizations, armed groups of mercenaries and terrorist commandos.

2. The terrorist organizations of the XXI[st] century

The terrorist attacks of 11.09.2001 revealed the fact that the neo-terrorism and organized crime were extremely dangerous. They also revealed the fact that the institutions responsible with ensuring the security were extremely vulnerable when they had confronted the new types of threats. Under these circumstances, the efforts to counteract must be strengthen. The causes, the methods used, and the means of action must be identified. The groups that threat the national and international security must be supervised.

A careful analysis of these groups mentioned the fact that they act on global level, and that they are supported financially by certain states and organizations.

The globalization of terrorism can be "justified" through mentioning the common characteristics, namely:

- The placement of terrorist bases and headquarters in a state, and performing terrorist acts on the territory of another state; the training takes place in modern bases;
- The terrorist organizations accept any individual, no matter the country in which the person is born, the only thing required from that individual is to support the organization's objectives and to be able to train by using any types of weapons (machineguns, explosives, missiles, etc);
- Organizations based in foreign countries, having a licit appearance support financially terrorist groups and organizations. They have commercial activities, both legal and illegal, enabling their members to move around the world;
- The military logistic support of terrorist organizations, used in armed conflicts all over the world, is obtained from the states that support terrorism or from the states that have dismembered after the fall of the Iron Curtain (Iran, Russia, Iraq, Bosnia Herzegovina, etc);
- As a result of the retreat of the forces of occupation from certain territories, the terrorist organizations have strengthen their position by building up weapon warehouses, by recruiting new members, and by offering humanitarian help to the local population (money, equipment and medicine donations). The main goal of these donation was to earn the trust of the people (the best example is the way in which Hezbollah had acted after the retreat of Israeli Armed forces from Lebanon in 1985);
- Vast networks of Charity organizations act in great urban centers as cover-ups for terrorist groups and organizations. The ideology of terrorist organizations is based on charity. The networks of Charity organizations represent a screen for illicit activities as keeping in touch with the leaders living abroad, fund transfers to banks in Great Britain, USA or Germany;
- The ideology export (or revolution export) is another factor that internationalizes terrorism;
- The using of the members or the sympathizers of terrorist organizations, living/learning abroad, to plan and execute terrorist attacks is another means to globalize terrorism;
- Promoting the terrorist doctrine on regional and world level by creating under covered structures helps the globalization of terrorism activities. The terrorists groups have members all over the world, and they help the groups by attracting new proselytes, with no regard to their nationality or citizenship. (Hamas acts in all the Autonomous Territories, and the Muslim Brothers organization has a trans-national character; it promotes the fundamentalist Islamic doctrine all over the globe);
- Hacking into the computer systems represents another means to attack the cybernetic infrastructure; traffic control towers digital systems are the favorite targets of the terrorist hackers. They also attack the centers of communications, in order to study the telephonic networks, water supply systems, the electric power stations, and the system of gas pipelines. Their main goal is

to put out of order some of the vital components for the infrastructure of the attacked countries.

The terrorist organizations act at global scale, because most of their funds come from the traffic of drugs. They use those funds to buy weapons, reactive materials, explosives, communication technique and IT technology.

The international response to terrorist activities bases on the coalition against terror, which has USA as a leader. The American leaders were not satisfied with the "post factum" combatively against terrorism. The Great Powers did not agree with the conclusions drawn after a causality study on terrorism. They concentrate themselves on the projection of security and on the implementation and the development of new democracies. The terrorist actions as well as the world response to them undergo a vast process of globalization.

As an answer to the wide spreading of terrorist groups, organizations and international terrorist networks, the national security structures began to cooperate, in order to obtain the necessary information to baffle the terrorist activities.

CONCLUSIONS:

The access to high technologies in transport and communications amplifies the globalization of terrorism. Space is no more a problem, when we talk about communications and distance. Terrorist organizations help each other in order to cross a hostile country (the Palestinian terrorists operate in France or Paraguay; the Japanese Terrorists operate in Kuwait, Israel or Holland, while the German terrorists operate in Sweden or Uganda.)

Terrorism continues to adapt itself to the new conditions caused by its international condemnation. The terrorist networks have given up the vertical hierarchy and have organized independent regional structures that still share the same ideology. Five hundred national terrorist organizations operate in ten international terrorist networks.

The XXI century terrorist organizations have the following characteristics:

• The horizontal hierarchy, instead of the old, vertical one (organized in modules, cells spread all over the world);

• There are other leaders prepared to take the place of the ones arrested;

• Speculating religious and ethnical aspects or the deficiencies of globalization and neo imperialism, the terrorist organizations spread their ideology.

The globalization of terrorism can lead to:

• The penetration of the security structures and of those for collective defense (UN, EU, OSCE);

• The identification of those that are in need for terrorist help;

• The creation of an international communication network, that is able to coordinate the terrorist activities.

Translated and adapted by Alexandrina VLAD

SECURITY AND DEFENCE STUDIES
(Tome II)

The second tome of the Security and Defence Studies series gathers burning topics of the scientific concerns of the Center for Strategic Studies of Defence and Security that are signed by three of its researchers: PhD Constantin Moştoflei, PhD Petre Duţu, and Alexandra Sarcinschi.

The first study - New Elements in Studying National and International Security – delivers a new framework for analyzing the concept of security: the sociological theory of social representations. The author, Alexandra Sarcinschi, argues that the human state of security must be the starting point of any security study, no matter the level of security (nation, zone, region or the whole world). The social representation of security allows the individuals to convey on this issue by providing a code for social exchange, identification and classification of the various equivocal aspects of their world and individual and group history. All these elements will be transposed in common knowledge and scientific definitions, in politics for reducing the vulnerabilities and counteracting risks, dangers, and threats to the individual, group, zone, regional, and global security. In author's opinion, the theory of social representations provides a comprehensive framework for analyzing the security state by introducing some human, historical and cultural factors.

The following study – Social, Psycho-social and, Juridical Grounds of the Romanian Army's Missions (authors: PhD Petre Duţu and Alexandra Sarcinschi) – analysis the most important factors establishing the Army's missions. The Army's role was redefined as a result of 21st Century security environment's transformation. In our days, along its traditional role, the Army is involved in a wide range of peace operations. The authors argue that the social and psycho-social grounds are to a certain degree a reflection of the national psychology and culture and the juridical ground is certified by Romanian Constitution and other laws and norms. Also, there is a concise presentation of the political ground, especially the civil democratic control over the armed forces, as the main method for establishing Army's missions.

The third study of this tome – The Collective Defence and the National Defence – provides a clear and concise image of those two concepts as complex and permanent activities. The authors – PhD Constantin Moştoflei and PhD Petre Duţu – start from the following idea: 21st Century states' defence against the new threats must take into consideration not only the traditional forms of fighting, but especially the new forms of cooperation with other states. Transnational actors are the only actors that are able to counteract the aggressive action of other transnational entities. The authors argues that this is the main reason for the existence of collective defence as a form of preserving state's independency, territorial integrity, its citizens' life and possessions, and national interests. Thus, the defence must flexibly and adequately act against our days various dangers and threats.

On the whole, the second tome of the Security and Defence Studies series provides to the interested ones not only a large scale of important information regarding the present national security and defence problems but some aspects regarding the existence of human society.

S.A.

SECURITY AND DEFENCE STUDIES
(Tome III)

The third volume of Defense and Security Studies, reunites four studies: "Instability sources", "The Contemporary Terrorism – as a risk factor addressing national security and defense, under the new status of Romania as NATO member", "Rapid reaction in military operations" and "Post-conflict military actions", concerning issues like new emerging vulnerabilities regarding states, population, values, institutions, the terrorism phenomenon and the ways we can counteract it, war and armed conflict characteristics, providing the perspective of the conflict as a stage in the development cycle of a system, pointing out the post-conflict stage and the necessary actions in such cases.

The academic controversy over the security issues has developed different opinions and views, real theoretical schools, which activities lead to the solid researches in the security field. The common issue of all these, is the fact that the security is influenced, in a direct manner, by the state of stability viewed as a multidimensional property of a system. Hereupon, in the "Instability sources" study, there are analyzed different sources of instability: political, economic, demographic, military and environmental. There is also present a section about terrorism, in its new emerging role as a global actor, which manifestations proved that it can generate long term and aver large regions instability (USA 9/11 2001, Spain 4/11 2004). The terrorism phenomenon is analyzed at full length in "The Contemporary Terrorism – as a risk factor addressing national security and defense, under the new status of Romania as NATO member". The author's opinion is that today, terrorist threats are, after those represented by the existence and use of weapons of mass destruction, the biggest ones and hard to manage also. Even the security and defense institutions and organizations, national or international, haven't found the optimal solution leading to the extinction of this phenomenon. Although viewed as being part of political, social, economic and military crisis typology, the terrorism can't be managed and eradicated by a specific manner. No matter how many or real important steps have been taken from 2001 until now for investigating and counteracting this phenomenon, including Romania where a national strategy against terrorism were elaborated, it remains a major threat to the human being, to society, economy and state institutions.

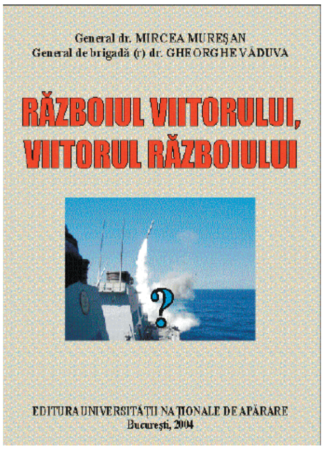
The new emerging risks and threats or mutations a lot of them suffered lead to a change in the nature of war. For a while it was thought that the battle will be fought between the invasion forces (which always act offensively, rapidly and en masse) and defensive forces, the last ones using temporizing strategies and attrition. Without neglecting this side of theater confrontation, the authors of "Rapid reaction in military operations" stated that the informational era is a space and a time for special and rapid actions, for asymmetrical confrontations, conducted not only in the theaters of operations, but in the entire real and virtual space of human activity, like very dynamic forms of a war which tend to become permanent due to many of its aspects (economic, informational, psychological, media).

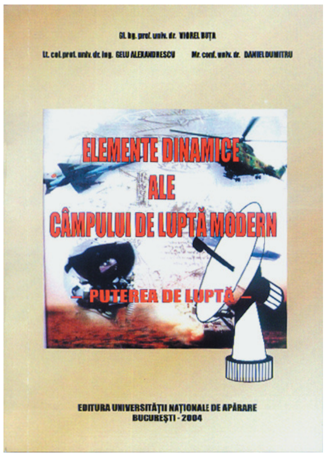
Sometimes, armed conflicts does not end the problems which triggered them, but contrariwise, those are sharpened, deepening the tensions, social, economic and psychological vulnerabilities. Therefore, along with preemptive strategies, must be developed post-conflict strategies regarding forces and necessary means to solve extremely complex issues emerging after an armed conflict and real ways of action also. "Post-conflict military actions" are part in the crisis and conflicts management strategy of international community, through its organizations. This way, violent armed conflicts might be stopped, by assuring the necessary condition for dialog between parts in conflict, rehabilitation of infrastructure in the affected area, economic reconstruction and maintaining peace and security.

Now, when the economy, information, politics and social live is more and more globalized, it is necessary that the new emerging threats, especially, asymmetrical ones, to be treated with attention, through cooperation, because every instability factor and every armed conflict or unsolved problem generates great challenges for the entire world. In order to do this, we must know very well the philosophy and physiognomy of the post-conflict vulnerabilities and challenges. We must pay attention to the scientific research in this field, must continuously monitor and evaluate tensioned and conflictual regions, especially, those close to Romania (Balkans, Trandsnistria, Caucasus, Middle East and Central Asia), in order to prevision the new trends, risks and threats emerging in the next couple of years.

M.S.

PRIZES AWARDED TO SOME SCIENTIFIC RESEARCH WORKSHEETS





On 15th February 2005, the prestigious theory and military science magazine, 'Romanian Military Thinking', edited by the General Staff, awarded the most valuable contributions to the national military science development. The works made by education and research personnel from the National Defence University were greatly appreciated and were awarded with prizes that certify their scientific value.

'General Ion Sichitiu' Prize was awarded for the 'War's future, future's war' by General PhD Mircea Mureşan – Commandant (rector) NDU and Brigade General (ret.) PhD Gheorghe Văduva – scientific researcher 1st degree at the CDSSS (presented in no. 3/2004 in the 'Strategic Impact' magazine).

'Division General Stefan Falcoianu' Prize was awarded to 'Dynamic elements of the modern battle field'. Fight power', authors: Brigade General PhD Viorel Buţa, (Deputy Commandant NDU), Lieutenant Colonel Engineer PhD Gelu Alexandrescu and Major PhD Daniel Dumitru (presented in no.4/2004 in the 'Strategic Impact' magazine).

'Marshall Alexandru Averescu' Prize was awarded to 'Origins and aggrandizement, decline and reborn of the secret in formations world', author: Colonel medicine PhD Marian Macri, Colonel (ret.) medicine PhD Constantin Răduică, PhD Adriana Hristea, PhD Mirela Anghel and PhD Ionel Huţanu.

'Lieutenant Colonel Mircea Tomescu' Prize was awarded to 'The infantry fight power – tendencies and evolutions', author: Colonel PhD Virgil Bălăceanu.

Cristian BĂHNĂREANU

THE ACTIVITIES OF THE CENTRE FOR DEFENCE AND SECURITY STRATEGIC STUDIES

JANUARY-MARCH 2004

At the Center for Defence and Security Strategic Studies took place meetings and discussions with the some scientific research institutions' reprezentatives from the defence and security field of Austria's and Canada's Defence Ministries.

This year were elaborated and published a serie of reference works in the field, in the Studies and Research Section: "The contemporary terorism – risk factor to the national security and defence in the conditions of NATO's member statute", "The integration impact in the North-Atlantic Alliance over the human resources management from Romanian Army", "New elements in the national and international security study", "The european integration strategy", "The resizings and configurations of the regional security medium (Black Sea and Balkans Zone)", "The optimization of the great precision and long range weapons' systems utilization fo rtheir adjustment to the asimetric military actions" and "Security and defence studies" 2nd volume.

There are to be going on a serie of important scientific activities: the National Defence University's scientific comunication session "Challenges to the strategy and security address at the beginning of the XXI century" - 14-15 April, CDSSS has the responsibility for the session's „Defence and Security" co-ordination; the seminar "The war based on network and the future of the military actions" – 25 May; scientific manifestations organization in the university centres from the operations zones; the scientific comunications annual session - november.

Meantime, there will be continued the collaboration with the Strategic Studies Institute from Brno, for the definitivation of the „Role and place of the middle and little states for the regional security realization" study, and in the same time, will begin the collaboration with a serie of similar institutes from Slovakia, Slovenia, Portugal, Poland and Bulgaria, which will be established meetings and discussions for common achievements of some workpieces over regional defence and security themes.

Irina CUCU

In attention of potential collaborators

The articles sent for publication have to be sent to The Center for Defence and Security Strategic Studies, 68-72 Panduri Street, sector 5, Bucureşti or by mail to cssas@unap.ro.

There will be mentioned the surname and name of author/authors, speciality, scientific titles, institution (academic/military/civilian).

The articles have to be sent electronically, typed in Word, font Times New Roman, size 12, one line spacing.

The articles should not have been sent for publications to other publications/printing houses.

In order to make the collaboration effective, please mention the contact possibilities (phone, fax, e-mail).

Authors own exclusively the responsibility for articles published.

The manuscripts are not returned.

The Strategic Impact magazine has come to the 14th issue. Each of them is the result of a fruitful collaboration between the Center for Defence and Security Strategic Studies researchers and numerous authors from the Ministry of National Defence, from the General Staff, the National Defence University, the Services' Staffs, the Services' Academies, from university teaching system, from different ministerial, scientific research, military units structures, from NGOs, different companies and media. It is a privilege for our publication to host a large and competent debate on actual issues such as the military strategy, the national security. This debate has proved to be useful and necessary for stimulating the military Romanian thinking in concordance with the new coordinates determined by the status of a NATO member and a future EU one. We remark with pleasure the valuable contributions of the authors for the success of this debate and we warmly thank them.

Editors: Corina Vladu, Vasile Popa
Issue organizers: Gheorghe Văduva, Corina Vladu
Designers: Gheorghe Văduva, Corina Vladu
The National Defence University Printing House

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