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

STRATEGIC IMPACT

No. 4 [29]/2008

STRATEGIC IMPACT

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THE CASPIAN ENERGETIC RESOURCES' SECURITY AND THE CRISIS FROM GEORGIA

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After four decades, another war starts, but this time not in the Middle East, but in Caucasus, transforming a frozen conflict, the one from the South Osetia, into an open one, counter-posing the Georgian forces to the secessionist ones, Abkhazian and South-Ossetian, then the Russian ones and the Georgian one, up to putting into practice the peace agreement mediated by the French chief of state, that represents the EU presidency in this second part of 2008.

The secession announced by the South Ossetia and Abkhazia on the Georgian state forces the Tbilisi government to take measures for re-establishing, by armed force, the Constitutional order, measures translated by Russia as targeted against the Russian population from that territory and entitling the Moscow's military intervention for "defending" the Russian ethnics. The events' development is known. The attack, asserted as disproportionate, of the Russian Federation, puts the Georgian leadership in difficulty. There follows a range of international negotiations that bring EU in forefront. By the French president efforts, Nicolas Sarkozy, it succeeds to stop the conflict and to mediate the peace.

Few aspects draw the attention of the phenomenon's analysts: what it the real stake of the Caucasus 5 days war, who are the actors interested in the region and how will be provided the region's security on average and long term? We have tried to find an answer to these questions in the following pages.

Key-words: energetic resources, interests, energetic security, Georgia.

Energetic resources and interests

No matter how many motivations may be searched for the dramatic events from Georgia, all of them vanish in front of a very important element, one that represents actually the conflict's origins: the region's rich resources, which are on the second position after the ones situated in the Gulf area. The pipelines cross the Georgian territory, in their way to the Black Sea, Turkey and the European Union. By the beginning of this year, when events from Kosovo rushed to a declaration of independence from the secessionist province, the famous European specialist on defence matters Jean-Sylvestre Mongrenier noticed, in a large analysis on Serbia[1], the existence of "Russia's grand strategy", by which it intends to block NATO's expansion in the South-East of Europe and to increase its influence in the Balkans and in the whole continent. The diplomatic support Moscow was given to Serbia, at that time, actually aimed the promotion of the Russian energetic and economic interests within the region and the Western Europe. With the Kremlin's assistance, Gazprom bought 51% of the capital of the Serbian oil company NIS, having ensured half of the oil distribution within Serbia. In exchange, the Russian company had to invest in the modernization of the Serbian refineries and in the construction of the centres for stocking the oil, but also aimed the approval for the South Stream pipeline, that is to be built by the Russians together with the Italian company ENI, to connect Tuapse, from Russia, from the Caucasian shore of the Black Sea, to the Bulgarian Burgas and then with Hungary and the Central Europe, and, on the other ramification, with Greece and Italy. This overturned the plans of the Commission from Brussels, for diminishing the dependence on the Russian hydrocarbons (Nabucco project, that prolongs the pipeline Baku – Tbilisi – Erzerum to the South-Eastern Europe and the Central Europe), creating a geostrategic bridge in the Balkans, as asserted by the European media.

Six months away from that moment, on the Eastern side of the Russian "grand strategy", within the Central Asian space, the place where the energetic resources' "taps" open for Europe,

Moscow gives a prompt response to the West – that, according to the Kremlin's leaders, wants to "dam up" Russia -, occupying certain positions around the oil and gas pipelines from Georgia and transforming "the warm peace" – as mentioned by the annalist Alexandre del Valle in *France Soir*[2], referring to the pipelines' geopolitics, - in a type of new geoeconomic Cold War", whose dimensions are hard to predict in the future. Russia's caution in Kosovo case suddenly disappears, when provinces from the former Soviet space, as Abkhazia or South Osetia, are brought into discussion, so that when these two territories proclaimed their independence they are recognized by Moscow, in August, 26, although the rest of the international community strongly rejects this step. When signing the gas agreements with Serbia, when mentioning the recognition of Kosovo's independence by the Western states, the former President, Vladimir Putin mentioned "the serious infringements of the ensemble of the international law system, having negative consequences for the Balkans and for the whole world", the EU leaders could not imagine that the Russian Federation, at its turn, will later on infringe this law system, sustaining the secession of the Abkhaz and the South-Ossetian provinces and recognising their independence.

Failing to block the independence process and its recognition, in Kosovo case, seems to be a final expected by Russia, in order to justify its previous actions within Georgia, that open the perspective of controlling that territory. Therefore, it recognizes the two self-proclaimed independent provinces from the Georgian territory (taking a decision assessed by Washington as irresponsible) and after a month requires the "dissolution of the border" between Russia and South Ossetia. We may believe that, for the moment, the opposition against the complete integration of this separatist region within the Russian Federation is related with maintaining the appearances of abiding the international law, up to a date when Moscow will consider it is the right moment otherwise. In this respect, the Western diplomacy considers that Russia would have "other objectives", after South Ossetia and Abkhazia: Crimea, Ukraine and the Republic of Moldova. The fact that a UN member violates numerous resolutions of the UN Security Council on Georgia's territorial integrity creates a difficulty for the international community, that will not be able to adopt any measure against Russia, that may reject it from the very beginning, using its veto right.

The Union's energetic security draws again the attention of the European Community's leaders, in the new context created by the moves Moscow has made on the Asian chess table. In June, it was said that the Commission will be required to prepare a report that should present the ideas opposing the increase of the oil prices, a good idea at that time. On the numerous solutions invoked by the French chief of diplomacy – limiting the VAT, reducing

Oil Pipeline - Baku - Tbilisi - Ceyhan

the consumption, the urgent intervention for some population classes – there was added a new one, formulated by other states' representatives, of better consultations with the producers. That is how Rusia was mentioned, together with OPEC and Norway, by the Finnish Prime Minister, who was speaking of the need of certain discussions between the big consumers and the producers. It is obvious the dialogue that was to be re-launched with the producers, both at European and international level, could have been employed from a new position, a forceful one, from the Russian Federation, in the favourable conditions of the transport networks' control for the Asian energetic resources towards Europe.

The sensitive areas from the two blocks, producers and consumers, that may also represent sensitive topics in a future dialogue on energetic resources with Russia were invoked during the Summit EU – the Russian Federation, organised this summer in Khanti Mansiisk, by the President of the European Commission, Jose Manuel Barroso: frozen conflicts (that were to become inflamed in a short period of time) from Georgia, trade and energy. "Russia will remain the key-energetic provider of EU and EU will remain the most important market for Russia's export, the European leader stated at that time. This creates a strong basis for interdependence and a situation that may be beneficial for both parties"[3]. Just because the Federation is the Union's key-energetic provider, this benefit tends to dangerously decrease for the European organization, especially after the developments from Georgia. If Russia would control by the use of troops the Georgian territory, as stated by the famous American annalist Zbigniew Brzezinski, during the August events, "it could erase Georgia from the energetic map and could impose the Russian Federation as unique transit territory for the hydrocarbons from the Central Asia and Caucasus' producers"[4]. At present, Moscow may increase its claims on negotiating gas prices.

As if perceiving what was to follow in August, the participants to an Informal Meeting of the Ministers for Energy organised in Saint Cloud, close to the French capital city, on July, 5th, underlined the fact that EU had to get rid of its dependence on Russia for gas supplies, due to the regenerating and nuclear energies. At that level it was underlined that it was to get out of this contradiction the

Union is situated, from the anguish provoked by the idea of losing the Russian gas and the verbal aggression regarding Russia. It should be stopped to challenge Russia's sovereignty, claiming to dictate its energetic behaviour (at that time, there was not to be mentioned the territory it controlled, when preparing this paper, part of the Georgian territory, where it had troops). That debate on the energetic and biofuels security, organised by the French Minister of Environment and Energy, has determined the division of the member states, when the matter of the nuclear energy was brought into discussion. Two days before, President Sarkozy had announced the intention of building a second EPR third-generation nuclear reactor, a decision he justified by the rise if the oil and gas prices. The German Minister of Energy declared at that meeting that the nuclear energy is a high-risk energy, but for Italy, going back to that sort of energy, that they had banned in 1987, by a referendum, is a solution. They have already established the program's basis in the actual legislature. On a larger scale, the Europeans' reserves on the use of the nuclear energy seem to diminish, although there is no majority for its use.

The Russian Federation and its involvement, including the military one, in the South-Asian space full of energetic resources got the interest of a regional leader, as Turkey. Considered by annalists[5] "a geopolitical pivot of the United States' grand Eurasiatic strategy", being a "platform for expanding the Western values and the forms of political and economical organization they inspire, within Caucasus and the Central Asia", for consolidating "the geopolitical pluriversum emerging within the core of the former Soviet space", "opening new routes to the Caspian basin energetic resources and promoting the Turkish model in the Central Asian satrapies, competing with the Iranian and Saudi influences". Turkey's role, vis-à-vis the Russia's actions, is described by the French annalist Jean-Sylvestre Mongrenier, in the approaches for opening the former Soviet space to the West and the American will for warranting the free access to the Caspian resources, that allowed Ankara to play its best cards for developing an energetic corridor East – West. Turkey, he stresses out, neighbours geographical areas – the Caspian basin and the Middle East – that form a strategic ellipse representing almost 70% of the worldwide oil and gas reserves. The pipeline

networks crossing its territory (BTC and BTE) and Nabucco project, sustained by EU, in competition with Gazprom's project, South Stream, open an alternative to Russia's pipelines, the only ways for exporting Caspian oil and gas up to present.

As the cited analyst stressed, this Turkish energy bridge remains vital for the security and diversity of the European energy supplies as for a better hydrocarbon world market. Although Turkey makes ample efforts to join the EU, it still has a close energy relationship with the Russian Federation which ensures two thirds of its natural gas. The same analyst states that Ankara's interests are linked to those of Moscow's through the Blue Stream connecting Drujba (Russia) to Samsun (Turkey). Also, Russia accepted that part of its oil pass through Turkey, from Samsun to the Ceyhan terminal. However, Russia will soon replace its prior plans to expand the Blue Stream pipe with the South Stream project which will provide Austria, Italy and Slovenia with 30 billion cubic metres of natural gas every year, using Bulgaria as a transit country if everything goes well. Together with the North Stream pipe which will provide Germany with Russian gas through the Baltic Sea, South Stream will give Russia the possibility to move freely and control Europe's resource supplies. As Gazprom vice president Alexandr Medvedev stated at the energy conference in Rome, without the necessary 85 billion cubic metres of gas, Europe would face "a terrible scenario".

While Turkey can be a remarkable promise for Europe in terms of EU energy security, the issue of Europe's security and stability is very important for Turkey to join EU. In the current complex international environment with numerous conflicts, Turkey would have as neighbours states with threats such as illegal migration, organized crime, interstate, ethnic and confessional conflicts. Some analysts argument its joining EU by the important economic advantages, NATO membership and its stabilizing role in the region, the interface role in the dialog between the Islamic and Western civilizations as a reply to those who reject such a perspective for religious reasons, the successful adaptation to European standards and the successful development of democracy and human rights. Its geopolitical and geoeconomic importance is fundamental during the geoeconomic war[6]: Turkey represents an important energy corridor and controls the transportation of hydrocarbons in all directions (Russian Federation, Middle East, the Caspian Sea, Central Asia, the Black Sea, the Mediterranean Sea, Europe).

Europe's energy security and Georgia's integration

This year in Bucharest, NATO Summit stated that the objective of NATO member states is a complete, free Europe, united in peace, democracy and common values. This can be achieved by an ongoing enlargement process with decisions taken exclusively by NATO. The Declaration of the heads of states and governments stated that "NATO gates will stay open for the European democratic countries who want it and are capable to assume their responsibilities and obligations in accordance with Article 10 of the Washington Treaty"[7]. In this context, the Alliance's leaders, approving Ukraine's and Georgia's aspirations to join NATO, decided that these states would become NATO members. Their arguments were the valuable contributions to the Alliance's operations and the democratic reforms in Ukraine and Georgia and established their support for MAP. In December, the ministers of Foreign Affairs of the Alliance's states will make the first assessment of the progress made by the two countries, they have the authority to decide Georgia's and Ukraine's membership to MAP. Even though the Alliance's leaders stressed that NATO's open gate policy and the present and future efforts regarding NATO anti-missile defence are meant to better respond the security challenges we all face and far from being a threat for NATO relationship with the Russian Federation, these provide opportunities to develop the cooperation and stability, Georgia's and Ukraine's integration is not supported by Russia which knows perfectly Georgia's geostrategic and geoeconomic importance, respectively Ukraine's role as a vital geopolitical and geostrategic pillar for the world strategic dynamics. Thus, Dimitri Rogozin, the Russian ambassador to NATO stated in Echo Moskvi that Ukraine and Georgia will not join the Action Plan in view of their Alliance membership. The threat to deteriorate the relationship between the two actors, Russia and NATO, is not at all concealed: "If my prognostic doesn't become true and Georgia and Ukraine will receive MAP in December, our NATO partners will have to understand that the cooperation and the cold peace are over. There

is a red line in the relationship which cannot be crossed and this is the area of our very important national interests".

Russia's major interest in the region is of course about keeping the monopoly on the Caspian gas and oil, monopoly which, in the eventuality of Georgia's NATO membership, would be strongly affected. Losing the control over the gas and oil supplies already existent in Georgia and building new pipes going around the routes controlled by Kremlin are the greatest dangers the Russian must face in the future. The perspective of losing its influence in the Caucasian countries with resource transit towards Western markets is no doubt correctly perceived by Russia in its competition with the other great regional powers. For a country having the world greatest gas reserve and the eighth world great oil reserve and which gets half of its incomes by selling its energy resources, as is Russia, the elements of a strategy aiming directly at it and cannot be accepted are the independence from the former Soviet republics by consenting to establish new pipes excluding the Russian system and moreover, the clear interest for a close relationship with the USA and for NATO and EU membership.

Speaking about the two organizations, NATO and EU, we see that their policies are better harmonized these days. There is the conviction that a stronger European Union will better contribute to the common security. That's why, "The Alliance is determined to develop NATO-EU strategic partnership for a closer cooperation and an improved efficiency and also to avoid useless duplications, in a spirit of transparency and respecting the autonomy of the two organizations."[8] Their policies for the Caucasian and Central Asia region should be more applied and involved in its development, in solving the crisis and conflicts using all the levers provided by the Partnership for Peace, candidateship to MAP, respectively The European Neighbouring Policy and Strategy for Central Asia.

By this better coordinated involvement, with the help of the Action Plans concluded by the EU with each country and also with the help of the representatives and observers in the conflict areas, EU could participate more actively to solving the conflicts, consolidating the democracy and observing the human rights in the region. In Georgia's case, the EU didn't want a closer cooperation, it only developed its relationship with Georgia, supporting politically and economically the country's reconstruction after the conflict with Russia in August at a reconstruction donors' conference. It decides to grant an aid of 500 million euros for the next three years and established a mission of about 200 civilian observers supervising the Russian troops' deployment in the areas occupied before the conflict, mission which Russia admitted only in the two provinces who declared their independence from the Georgian state. On long term, Brussels wants to negotiate with Tbilisi an agreement to facilitate short-term visas in the EU and create a free trade area. Georgia itself thinks that, before joining the EU, must have time to consolidate the progress made in the efforts to join NATO.

As for EU member states, Poland and Sweden support Georgia's integration in the "new oriental partnership" which should draw the EU closer to the Eastern states (Ukraine, Moldova, Azerbaijan, Armenia, Georgia and Belarus if the latter becomes democratic). From the perspective of the post Russian-Georgian conflict, the greater countries in the organization seem to be even more reserved towards an integrating solution. For now, they are more interested in the relationship with Kremlin for which France supported the idea of the strategic economic partnership with Russia avoiding to focus the alliances on an exclusively military formula while the resource security is the most important problem for the Union.

Also, NATO increases its cooperation with the states in the region in order to develop their security as well as the region's security. Enlarging and intensifying the political and military cooperation with the European non-NATO states would lead to increasing the stability and security of the Caucasian and Central Asia region. It would also diminish the risks and terrorist threats, stress the civilian democratic control on the military structures and encourage the transparency in the defence policies. As established at the reunion in Riga[9], NATO is decided to keep providing the partner countries with its expertise and assistance in promoting the reforms in the field of security and defence. Regarding the resources problem, it's well known that the Summit in April in Bucharest noted the report "NATO role in the field of energy security", following the Summit in Riga and identified the principles governing the Alliance's approach of

this domain and also options and recommendations for the future activities[10]. Therefore, we can state that the Alliance will do much more through international and regional cooperation, exchange of information and consultations on the imminent risks in the field in order to develop the Euro-Atlantic energy security. The organization will get more involved in designing the stability and supporting the effect management and protecting the critical energy infrastructure.

As stated in the Summit Declaration in April, its efforts are totally coordinated and integrated with those of the international community and of the organizations specialized in energy security. The Council's task for the summit in 2009 was to prepare a consolidated report regarding the progress in the field of energy security.

The ongoing regional conflicts in the South Caucasus and Republic of Moldova, has generated NATO's concern. At the Summit, it stated that it supported the territorial integrity, independence and sovereignty of Armenia, Azerbaijan, Georgia and the Republic of Moldova and the efforts to peacefully solve these conflicts. By transforming the forces and their capabilities as well as by adapting and reforming, the Alliance will be able to fulfil its operational engagements and missions for collective defence and crisis response, inside and outside NATO and also at a strategic distance, thus meeting the 21st century security and evolution challenges.

Conclusions

Nowadays, it's more than necessary to harmonize the interests of the great actors – USA, NATO, EU, Russia regarding the problem of managing the energy resources of the Caucasus and Central Asia. This would ensure the transformation of a conflict region but very important from the geostrategic and geoeconomic point of view into an area of Euro-Asian confluence with a quiet security and economy where the world important actors unite their forces to help the region's lasting development, in peace and stability, for the European and global prosperity and energy security.

On the other hand, the international community shouldn't allow new conflicts and it should supervise the remaining of the South Osetia and Abhazia within Georgia and insist not to recognize the secession of the two provinces. The efforts of the great actors must be focused on diminishing the asymmetric risks generated by the rapid decrease of natural resources, the demographic increase and the fight for the supremacy of strategic regions and markets.

NOTES:

[1] Jean-Sylvestre MONGRENIER, *La Serbie, point d'appui de la "politique balkanique" de la Russie,* January, 30 2008, http://www.fenetreeurope.com/php/page.php?section=chroniques&id=0137, accessed on November, 3, 2008.

[2] Alexandre del VALLE, *L'indépendance du Kosovo et la géopolitique des oléoduc*s, 28 janvier 2008, Edition France Soir, p.16.

[3] *UE et Russie appellent à renforcer la coopération malgré les obstacles, Belga, 7 sur 7, June, 27, 2008.*

[4] Cf. Florence MARDIROSSIAN, *Georgie – Russie, les enjeux de la crise,* http://www.monde/diplomatique.fr/carnet/2008/08/15.

[5] Jean-Sylvestre MONGRENIER, *Union pour la Méditerranée: la question turque en suspens,* July, 18, 2008, at http://www.fenetreeurope.com/php/page.php?section=chroniques&id=0217

[6] Cf. Vasile NAZARE, Turcia şi jocurile de putere din Bazinul Mării Negre, Geopolitica, Anul VI - nr. 25, pp.113-114.

[7] Bucharest Summit Declaration issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Bucharest on 3 April 2008.

[8] Ibidem.

[9] The summit stressed out mnainly NATO policy on partnership, dialogue and cooperation, an esential component of the Alliance's objectives and tasks. During Bucharest Summit, it was stressed out that "The Alliance's partnership around the world have a lasting value, contributing at the Euro-Atlantic stability and security and beyond that.

[10] See NATO Summit papers, April 2008, Bucharest.

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CAUCASUS WAR – THE END OF THE COLD WAR OR A NEW COLD WAR?

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Russia's present actions to contest some essential instruments defining Russian interaction with the Occident must be read from the logical perspective of a great power being in search of its last recognition.

Now, Russia introduces the military dimension in the power game[1] and, as it seems, exits stronger from the Caucasus conflict.

Russia is a great power. It pertains to this reality. Or, the relations with Russia can't be indifferent. Especially now, when the Georgian crisis with its regional and global impact will enter in history as a symbolic moment for the unipolar order end[2], at least for the huge Euro-Asian Space.

Key-words: Caucasus, new Cold War, Georgia, Russia.

1. Preliminaries. In August, world witnessed a 'mini-war' in Caucasus and the West was surprised by an armed conflict between Russia, West's partner in the Middle East, Iran and North Korea and Georgia, a nodal point of the huge energy resources from the Caspian Sea area.

This is the first time, after 20 years, when Russia has a military intervention outside its borders and introduces the military dimension in the power game. This was favoured by the unknown movements of US and NATO expressed by some actions from the Bucharest Summit dated April. Initially, the conflict provoked strong tensions in-between the relations among West and the Russian Federation. Normally, as soon as the motivations of the interest manifested for the Eastern countries but peculiarly for Ukraine and the Transcaucasus area – region including Georgia, Armenia and Azerbaijan – by the great international actors proved to be different and opposed. We believe the motivations were correctly understood now. Not only the Russian Federation's strength to regain its influence in the area by immediate military actions considered by the West as "disproportioned and incompatible with the role of peace-maintaining"

but also the Occident's restraints to some Tbilisi leadership requests[3]. Both the Black Sea and South Caucasus proved to be closer to the Europe's security problems. Moreover, it is its intrinsic part[4].

Therefore, any major progress, really significant toward a final resolution for these conflicts and crises, supposes a positive engagement of the Russian Federation whose legitimate interests – economical, political and security can't be omitted by any regional Western political project[5].

2. Russia is a great power and pertains this reality. This does not have to be proved, as it is obvious, or to be imposed because it is a reality. Moscow has already proved its power and continues to prove it. Whether by sending to Venezuela two strategic bombardiers, each of them able to transport eight nuclear focuses or recently with the launch of three intercontinental rockets: two from the nuclear submarines situated in the Eastern Norway and Northern Japan and, the third one from a secret base from the Plesetsk region. The last launch was under the direct surveillance of the Kremlin leader, Dmitri Medvedev. An exercise which Medvedev says "proves Russia's power", as Topol M rocket is the most modern ballistic from the Russian strategic forces' endowment[6]. If we add the common Russian-Venezuelan military exercises predicted to take place in the Caribbean Sea this November, we can be tempted to believe those statements that "they may affect the power balance within the region and could destabilize the area"[7]. But such a demonstration isn't necessary needed. An attentive attitude will prevent such worrying rhetoric prevention with long term hard to imagine predictable effects.

The confrontation way isn't advantageous. Moreover, the "rivalry" generated by the energetic resources control from the Caspian Sea Basin[8], the oil transport over and around the Black Sea, the interaction with the conflicts from South Caucasus

and, the last but not the least, the international involvement in these conflicts could provide the region a high potential of regional and even global instability[9].

Consequently, the favourable and correct relations with Russia remain essential. For EU, too, now, interested, at one hand, in the resources situation and access to resources, especially energetic, and, on the other hand, more preoccupied by stability and security in the proximal vicinity by promoting a circle of stable, well-governed states into the Eastern part of the Union (the Republic of Moldova, Ukraine, Belarus), in the South Caucasus (Georgia, Armenia, Azerbaijan) as well by cooperation with the Russian Federation.

Countries as France or Germany prove they have reacted correctly and justified when they opposed to Georgia's adhesion to NATO[10].

3. Caucasus war – effect of the World War II unsolved problems. The second big global conflagration "exported" unsolved conflict beyond Europe. A fault line created in Europe, a strategic one between the Western democratic civilization type and the communist one, legitimated by the World War II. There was created a group of communist states. There was an irreconcilable fissure, a fault ideological line lasting half of century. This was "the essence" of the Cold War, the World War II needed to solve the great powers "geopolitical repartition" and international strategic environment "reconfiguration". But it didn't, and an ideological fissure between East and West couldn't be solved out by a warm war because of the nuclear weapon's apparition. Therefore, there was created an irreconcilable *de facto* relation – on one hand, the Western democratic civilization and, on the other hand, the communist civilization. The lack of solution generated the arming race, creating a conflict situation.

But the weapon race created a situation where the conflict reaches "maximum parameters" without a military solution. So, some analysts sustained there was reached a "strategic imponderability" situation and even if the revolutions from the Central and Eastern Europe, from 1989-1990, offered the "solution" to exit from this strategic imponderability, there still remained the huge ammunitions' warehouses. They generated "a new strategic reconfiguration" where every actor from the Cold War looked for an advantageous position

and reposition.

"From 1945 to 1989 – Immanuel Walerstein asserted in a recent paperwork -, the main chess game played between USA and the Soviet Union. This was called the Cold War and the basic rules were metaphorically called "Yalta". The important rule is the one sharing Europe in two areas of influence. It was called by Winston Churchill "The Iron Curtain" and laid from Stettin to Trieste. This was the rule and very little counted the agitations from the European territory caused by pawns' instigations and wasn't either the problem of bursting a war between USA and the Soviet Union. After another series of turbulences, the pawns had to be placed again in their first places (as in the chess game). This rule was respected until the communist regimes collapsed in 1989 with its most important aspect – Berlin Wall's destruction"[11]. This was the end of a first stage of a long-term plan elaborated in the first years of Reagan presidency that contained "the European communism's elimination" but especially the Soviet Union's "disintegration"[12].

Starting from 1991, the game between United States and Russia radically changed – the United States adopting an absolute hegemonic position in the world and continuing to represent the only power but not by offending Russia but in a strategic partnership with it. America – will state further George W. Bush – has and intends to maintain a "military power able to be contested /.../ able to intervene anytime and anywhere, when its own interests are affected". Moreover, under the pretext of liberating countries from dictators, Washington passes to its own value system "export" which, in reality, hide: "the fight at global level" for the control of the oil and raw materials reserves[13].

Consequently, as a unique superpower, the United States becomes an active player into the borders' rearrangements as in the case of FYROM[14] - this leading to a sanction decision and application, by troops, of Kosovo's de facto secession by Serbia[15]. This attitude – undergone from the partnership – will have, as it is known, very hard sequels for the entire region and therefore the need of a consistent European effort to correct and readjust the Balkans. Moreover, after Serbia's bombing in 1991, the United States passed to a program to constitute a "global network of military bases which hardly can be considered defensive"[16].

It is certain the fact that after September, 11, 2001

the Iraqi war and the Afghan confrontation with the Taliban, there was the idea of "a new global order" expressed by a "partnership" between the main international actors on preventing and combating the international terrorism. This "partnership" against a non-state enemy as well as the circle of states included into the axis of evil (The North Korea, Iran, etc.) called together "international terrorism" proved to be "extremely fragile" but also subjectively and re-disputable[17]. We believe this explains the fact that the former Russian president, Vladimir Putin, at present prime-minister of the Russian Federation, "embraced without reserves" the Bush administration's strategy, after the September, 11, 2001, the one materialized into the United States by 1st and 2nd "Patriotic Act" as well as the "preventive wars theory" so-called anti-terrorist.

Perhaps Moscow, at its turn, too, wanted "the legitimation" of a series of "extremely intriguing measures" with the help of the "generous" concept of "war against terrorism". Or such a policy already manifested into the Moscow actions especially, after the Beslan tragedy, considered in some publications, "the Beslan horrible Russian scenario". On internal plan, over the democratic rights and liberties, and also on extern plan, by a new military doctrine announced by the Russian Army Chief of the Major Staff, General Iuri Baluevski, stated that "Russia will use all the means in order to exterminate the terrorist bases in any part of the world"[18].

After Beslan, Russia "officially" reserved its right to "preventively" intervene, as the United States, against the terrorist bases. So, the Russian military intervention in Caucasus or in other part of the world – the Northern Ossetia tragedy – as stated by the Russian president at that time, Vladimir Putin, was the result of "a direct intervention over the international terrorism against Russia". Maybe this explains why initially Moscow remained "silent" to the disaster from Yugoslavia and to the American policy from Afghanistan and Iraq. Also, the fear that "the solutions" adopted by Russia can transform Caucasus into a veritable "powder can" as the Balkans in 1914.

Therefore, even if an international antiterrorist coalition was constituted, the terrorism problems are far to be solved out and the main motives for this non-sustenance consist in the international actors' "emergency of the individual and system interests" which agglomerated around some "common centres of geostrategic, geo-economic and geopolitical attraction" without counting the dynamic and very changing complex realities. Maybe this will explain the most recent appreciations of the American general John Craddock, the NATO Supreme Allied Commander Europe, in regard with "the seven years NATO campaign in Afghanistan lacked coherence but the member states could suffer a defeat if they don't overcome the political divergences"[19].

The actual Moscow policy continues the Vladimir Putin's one and was clearly shaped by the new Kremlin leader, Dmitri Medvedev on five positions: the supremacy of the basic principles of the international law that determines the relations between civilized people"; the world's multipolarity when the unipolarity and domination are "not admitted"; the wish to avoid confrontation and isolation; Russian citizens' life and dignity protection, "no matte where they are" as well as the defence "of our out of border business community". And, the last but not the least, Russia's right recognition to have "privileged interests" as resumed in the Russian newspaper *Kommersant*.

As a matter of fact, Russia has already entered in contractual relations with China, due to a strategic partnership, has maintained close relations with Iran and has began to push the United States outside its bases from the Central Asia. Also, Moscow took a firm position on NATO's enlargement in two key-areas: Ukraine and Georgia, the latter already being the victim of an immediate Russian military response. Moreover, some CIS-2 type organizations' apparition confirms the fact that Moscow won't give up Tiraspol as it is an "important bridge and geopolitical and geostrategic point in the EU and NATO border to the Black Sea context".

Russia continues its geostrategic offensive on many other plans, including the Western energetic market. Recently, Qatar, Iran and Russia agreed the conditions to create a "gas' OPEC"[20] – Iran – country having at disposal an "inertia" and "strategic percentage" without owing something to oil -, being the first one which asked the creation of this body, as it is on the second place in the world at natural gas resources.

4. Nobody wants a new Cold War between Russia and West. Georgia seems to count lesser

and the "Georgian dossier" is considered "an incident" referring to "disrespected principles"[21]. There is also the point of view of the prime-minister Silvio Berlusconi, whose country will have, from January, 1st, 2009, the presidency of the G-8 (the most industrialized countries in the world). Even more, "the Georgian dossier won't turn Europe and the world into the Cold War era" because the Italian premier said "nobody wants a new Cold War between Russia and West" [22]. But such a situation creates dangerous premises of such wars. Otherwise, even the European Council extraordinary conclusions text from September, 1st – a quite firm text -, still leaves an opened door for Russia, because the French minister underlined that "We don't want to reach the Cold War's situation". This was not a concession for Russia, but because the actual international situation requires reason and realism and also to give up *history ghosts* and fratricide and even *extremist* positions.

The fact is already accomplished. The concept of a "new Cold War" - that signifies an obvious coldness of the Russian-American relations as well as larger divergences into a series of essential foreign policy aspects, military problems and energetic[23] - already entered in the analysts language, especially after 2007, when during the Security Conference held in Munich, the former Russian president Vladimir Putin – the nowadays premier of the Russian Federation - reacted harshly[24].

The Russian-American relations' deterioration continues to deepen not only because of the energetic competition[25] among them, but also some inappropriate and unimagined attitudes and reactions into the geopolitical reconfigurations plan. Russia should remain a "strategic partner" and not "a hostile country". This statement is very important and, in our opinion, needs to be respected, especially after the lesson learnt by the majority of the Russian elite – nobody will take Russia seriously as long it's weak[26] – it proves to be true. Or, the Russian Federation is and remains a major actor in the region. And not only. Even if Russia seems to be weak, for now, it isn't opportune or benefice to exploit such a statement.

Instead of a conclusion. The present Russia's actions to contest some essential instruments that define Russia interaction with the West must be read from the logical perspective of a great power searching its last prestige recognition.

Moreover, Russia has introduced the military dimension in the power game and as it seems, has got out stronger from the Caucasus conflict. The Georgian crisis with its regional and global ties will enter into history as symbolic moment for the unipolar order's end[27], at least for the huge Euro-Asian space. For the time being, Russia seems to be alone. It chooses behaviour without allies and supporters but neither firm enemies – the United States and NATO being engaged into another areas. However, Russia cultivates the strategic partnership and, consequently, firmly ripostes to everything it considers an offence. Or, a realist construct and a beneficial configuration on long term of the security environment imposes an elegant and realist exist from this game in favour of a firm and benefactor engagement of all countries and especially the great powers to create an efficient international system to manage conflict and assure international security by mutually efforts. The United States, that seemed to win the Cold War and turned to the "export" its own system of values, reached to a situation to disperse its reposition, to cancel (dissipate) its own power. Under these circumstances, the battle for power, influence and resources began again. The resources dependency, especially the energetic one, "urges" the great powers to dispute the control over the extraction areas and reserves in order to prevent "the collapse" of their economies. The deployments of the American militaries from the Middle East and Western Balkans culminating with the Kosovo independence, have determined a strong position for Russia on the *heartland* area (the Asian geostrategic pivot).

Russia's movement into Caucasus creates a "fait accompli" in this battle for the geostrategic reposition. Apparently, Russia wins because nobody can counteract.

So, the Caucasus war can be a true end of the Cold War or is another Cold War without ideological component reminding more the 19th century world's multipolarity? Could this war be the beginning of a new cycle, resembling with the multipolar world of the 19th century? That is a cycle to reaffirm individual actors into a real multilateral distribution of real power into the inter-state system?

Interesting opinions, on this topic, were expressed by the author during the international annual scientific communication "Policies and

strategies on managing conflictuality" from November, 20-21, 2008. The communication named "Caucasus – beginning or end of cycle?" is published in the volume issued on this occasion by the organizer, the Centre for Defence and Security Strategic Studies.

NOTES:

[1] United States committed a 'big mistake' letting Georgia to believe that it may deploy a safe military operation within the South Ossetia, the ex-soviet leader Mikhail GORBACIOV asserted into an article published in Washington Post: AFP. http://www.infomondo.ro/extern/2929-conflict-militar-in-caucazul-de-sud-vi.html

[2] http://fisd.ro/adriansev/2008/09/01/impactul-crizei-georgiene-asupra-ordinii-mondiale/

[3] For example, a point of view spread into the political environment and European press: sanctions against the Russian 'political elite', according to AFP; Georgia's support 'not only in speech but also by actions', as the minister for Georgian separatist territory integration declared, Temur Iakobaşvili; strength against Moscow sustained by the Georgian ambassador at Paris by warnings as: "This is the truth moment for Europe" /.../ If Europe doesn't retort today, a Russian policy strength will follow, as it happened after the Sudetes' occupation in 1938 by the Nazi Germany", the Georgian diplomat being afraid of "a new Yalta and a new Munich".

[4] At large, see Bg. Gl. (ret.) prof. Constantin-Gheorghe BALABAN, PhD, *Conflicte îngheţate şi crize la limita de est a NATO şi a Uniunii Europene – obstacol major în calea cooperării şi stabilităţii regionale, Geopolitica magazine nr. 28/2008.*

5 Interesting opinions were presented widely also by ambassador Sergiu CELAC, the Deputy Director General of the International Centre of Studies over the Black Sea from Athena, in the essay *Cinci argumente pentru o implicare mai activă a Occidentului în regiunea Mării Negre, published in* **O nouă strategie euro-atlantică pentru regiunea Mării Negre***, Ronald D. ASMUS, Konstantin DIMITROV, Joerg FORBRIG, Bucureşti: Editura IRSI „Nicolae Titulescu", 2004, pp. 139-148.

[6] Topol M rocket has an action range over 10.000 kilometres and can transport to the target a 500 kilograms focus (TVR, Foreign news, October, 12, 2008).

[7] Juan Manuel SANTOS, the Columbian defence minister before his visit to Moscow. A statement made for a radio station from Columbia. For details, see http://www.adevarul.ro/articole/ne-intoarcem-la-razboiul-rece.html

[8] According to some studies, it is estimated that from the Caspian Sea there will be extracted 25% from the entire quantity of the oil provided from the non-member OPEC countries.

[9] Mustafa AYDIN, **Europe's next Shore: the Black Sea Region after EU Enlargement***, European Union Institute for Security Studies, Paris, 2004, p. 6.

[10] Romania continues to support the Georgian Euro-Atlantic aspirations in concordance with the Bucharest Summit decisions (Press release from the Romanian Foreign Affairs Ministry, quoted by MEDIAFAX).

[11] Immanuel WALLERSTEIN, *Partidă de şah geopolitic pe fondul unui mini-război în Caucaz,* August, 20, 2008, accesed on site: http://ro.altermedia.info/noua-ordine-mondiala/partid-de-ah-geopolitic-pe-fondul-unui-mini-rzboi-in-caucaz-de-immanuel-wallerstein_8981.html [The Copyright is owned by Immanuel Wallerstein, distributed by Agence Global. For rights and authorizations, including translations and non-commercial site's postings and contact: rights@agenceglobal.com,1.336.686.9002 or 1.336.286.6606. There is an approval for download, electronic sending or by email to third parties if the text will remain intact and the note regarding copyright to be included. To contact the author: immanuel.wallerstein@yale.edu.]

[12] The former USSR had 15 union republics – *the Slav republics* (Russia, Ukraine, and Belarus); *the trans-Caucasus republics* (Georgia, Armenia and Azerbaijan); *the Baltic States* (Estonia, Latvia and Lithuania) *and the Central-Asian republics* (Kazakhstan, Uzbekistan, Kirghizstan, Tajikistan and Turkmenistan) – which, after disintegration, became independent. According to the former Kremlin leader, Vladimir PUTIN, in an area where USSR regrets its disintegration, that was a "long term stability factor", otherwise it would be "drawn" into "civil wars", wars between small states and "total economic chaos". For more details, see also *Dezvăluirile senzaţionale ale lui Putin de la "Novo Ogarievo"*, http://www.ziua.net/display.php?id=160652&data=2004-10-23.

[13] There are some interesting opinions in regard with this theme expressed in Geopolitica, Magazine of political geography and geostrategy, Year IV – No. 19 *Falii şi axe geopolitice*, Editura Top Form, Asociaţia de Geopolitică „Ion Conea".

[14] The Yugoslavia disintegration was obtained by successive wars in the '90s, when Slovenia, Croatia, Bosnia and Macedonia appeared, cutting the second "arm" of the former Soviet Union – the first arm being the Eastern European states − entered afterwards in many stages in the actual NATO structure -, and the Warsaw Treaty.

[15] Immanuel WALLERSTEIN, *op. cit.*

[16] In June 1999, the United States begin to build into the Kosovo province the "Bondsteel" military base at little distance from a giant oilduct - AMBO (Albania-Macedonia-Bulgaria Oil) that pumps oil from

the Caspian Sea as well the South-Western Russia. The "Bondsteel" military base was then considered the biggest from the Vietnam War. See at large, *Geopolitica noului război rece*, Dosare ultra secrete, ZIUA, No. 4202, Saturday, April, 5, 2008 (http://www.ziua.ro/display.php?data=2008-04-05&id=235665).

[17] Surprisingly or not, in an article signed in December 2005 by Jean DUFOURCQ, a French admiral, researcher and chief of research department at the Defence College from Rome -, "the 11 September affair is an American-Saudi one /.../ served as a model and trigger for other disorders. Occupying the psychological space left free after the Soviet menace disappearance, this hit the spirits and seemed to launch a "forth global war". Still, we must consider the distance from this facile analogy; otherwise, the American debate over the GWOT (Global War on Terrorism) concept reality proves the dramatic confusion risen, at present, from this initial error" (*Miopie strategică,* Sfera Politicii, no. 119, http://www.sferapoliticii.ro/sfera/119/art8-dufourcq.html.

[18] See at large „*Butoiul cu pulbere" din Caucaz,* Ziua, No. 3153, October, 23, 2004, accessed on http://www.ziua.net/display.php?id=160652&data=2004-10-23.

[19] The NATO member countries' failure to send promised troops in Afghanistan prove – as stated on September, 20, by the American general John Craddock, at the Royal United Services Institute (RUSI) from London - *"a fluctuant policy that stands before the mission's progress in this country"*. See, *O nouă strategie,* Observatorul militar no. 43 (29th October – 4th November 2008), p. 15.

[20] Only one year before, Gazprom signed a 20 years contract with Austria, and Russia consolidated its dominant role on the Western energetic market.

[21] Some interesting opinions are presented by dr. Nicolae DOLGHIN in the article *Marea Neagră, potenţială zonă majoră pentru securitatea global,* Impact Strategic no. 3[28]/2008.

[22] The common press conference of the Italian premier, Silvio BERLUSCONI, with the British premier Gordon Brown.

[23] About the energetic resources issue there have been published a lot within the speciality political and economic literature – as the resources are, in time, the centre of deliberations and negotiations regarding establishing new structures of the inter-state relations. See, at large, C.G. BALABAN, *Resursele naturale – obiect al unor ample dezbateri internaţionale*, Impact Strategic Magazine, no. 1 [18]/2006, pp. 27-32.

[24] On February, 10, 2007, during the Security Conference from Munich, the president Putin reacted harshly. He criticized Washington's vision of a unipolar world with "a single authority pole, a force center, a decision center, a world with a unique master, one sovereign".

[25] ZIUA, no. 4202, Saturday, April, 5, 2008 (http://www.ziua.ro/display.php?data=2008-04-05&id=235665).

[26] NADEJDA Konstantinovna, *Povara acestei lecţii,* Nezavisimaia Gazeta, April, 6, 1999. See also maj. gl. (r) Mihaiu MĂRGĂRIT, Miza Rusiei în Caucazul de Sud, Observatorul militar no. 34 (August, 27 – September, 2, 2008), p. 15.

[27] http://fisd.ro/adriansev/2008/09/01/impactul-crizei-georgiene-asupra-ordinii-mondiale/

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DEMOCRACY IN ISLAMIC WORLD. CHALLENGES AND PERSPECTIVES

Corina Nicoleta COMŞA

The article analyzes the link between religion – as element of individuals' identities – and the political decision in Islamic world, the influence of religion and churches over the social, political and military life, the relationship between religion and the governing system. After September 11, 2001, Islam became without any meaning for some persons or communities, ascertaining the fundamentalism and the return to fundaments of religion give a restrictive interpretation to the religious norm and try to impose it in any conditions and towards any persons. Opposing to globalization and modernity, Islamic society maintains religion in public sphere and strongly promotes it. In these states, the religious authority is unanimously recognized and accepted and religion exercises a quasi-total influence over all aspects of social life, regardless it is about public or private space. Or, in these conditions, it is to be seen if democracy could be implemented in Islamic states.

Key-words: Islam, democracy, human rights.

Often considered religious extremism or fanaticism, especially after September 11, 2001, Islam defines itself as a „religion of peace". Immediately after the attacks of September 11, a part of mass-media tried to impose the idea that Islam identifies with extremist fundamentalism, with terrorism, with absolute evil. But Islam – as a religion – means enough for its believers so that they refuse by any means a different organization for their society, because the society to offer them is not based on their traditions and beliefs.

Democracy presumes, by definition, exercising the political power by people. The basic principles of democracy – separation of powers in the state, equality of chances, national sovereignty (nation leads the state by its elected representatives), market economy – could hardly be applied in states from Islamic society because religion does not allow their rules. Democracy is inseparable of respecting human rights, of promoting the principles of equal opportunities and non-discrimination as they are perceived by occidental world. Or, for Islamic world, all these aspects are contained by the term "modernity", term with a negative connotation as it comes from occident.

To understand why it is impossible to have democratic states in Islam we must know the Islamic social and religious realities, guided by Quran, Sunna and Sharia. The Quran, the holly book, is uncreated and eternal; it has always existed and even in its printed form it is sacred. The Quran, the word of Allah, is memorized since childhood and it contains regulations regarding all aspects of social, political, economic and cultural life. Sunna represents tradition, all Muhammad's words, gestures and behaviours, his way of behaviour, of fulfilling his religious and social duties. Sunna became, together with the Quran, source of Islam and in case of a disagreement between these two, Sunna comes off victorious.

Modernization process in Islam fluctuates between traditions versus modernity. The modernization of Islamic world would reduce the role and influence of tradition, implicitly the influence of religion, and it could generate the increase of fundamentalist religious extremism against the moderation in the name of globalization and progress. Nevertheless, changes occur even in regions where fundamentalists prevail. In some regions, Sharia was replaced with modern juridical structures, tribunals for solving criminal and civil aspects being built up and reducing the role of traditional religious tribunals. Not the same tendencies of modernization can be noticed with respect to family law – issues related to marriage, filiations and divorce being deep rooted in Quran precepts. Nevertheless an improvement of the woman status and a change of the status of patriarchal family were accepted but in practice the situation did not change too much. In some states such as Saudi Arabia, women got the right

to education but under the conditions of wearing headscarves and learning separate from men.

The Quran provides marriage as a duty; it is not secrecy, allowing to a man marrying four women under the condition of taking care of them equally and being correct to them inclusively by offering them the same number of days and nights. The Muslim man can marry a non-Muslim woman, a Muslim woman is forbidden to marry a non-Muslim man. The trousseau is brought by man and it remains a good acquired by woman in case of divorce. No matter how rich the wife is, the husband has the duty of supporting her. The divorce is actually a disclaimer. A husband can send his wife back if he is not pleased or without any reason, if he wishes so. Inversely, it is impossible.

On the respect for the women's inheritance right, the Quran provides that women inherit their parents and have the right to half of what belongs to a man taking into consideration they are sustained by husbands.

Muslims consider that women have an important role in Islamic society. Different from other religions, Islam is very proud of women. Her importance as mother and wife was clearly shown by Prophet Mohammed. Occidentals consider the Muslim woman as a prisoner in her own house, a non-person, with no rights and living under the male's domination. Muslims show that Islam is a religion of common sense and agrees with the human being. It recognizes the realities of life, but not the equality between man and woman in all regards. Allah did not make man and woman identical; therefore, it will be against nature to have a total equality between man and woman. Muslims consider that this would destroy the social balance. The society wouldn't prosper but it will have unsolved problems such as broken marriages, illegitimate children and destroy of family life. Muslims consider that the rights and liberties of woman from occidental society, women's emancipation and a high level of tolerance of society lead to a series of undesirable things such as pregnant pupils, divorces, increasing the number of abortions, etc.

In Islam, "what is right" was revealed to Prophet Mohammed by Allah and therefore it can not be established by people. No subject can assume the capability of issuing decisions on what is good and what is bad as long as they had not been dictated by divinity, so that the principle of separations of power in state – element of the law state – could not be applied. The question to rise is to what extent do the Quran, Sunna and Sharia influence the political decision and legislative norms under the condition that the most Arabic states have the Islamic law as a model.

The Islamic law or Sharia represents a series of orders, interdictions and recommendations as they were kept in Quran and Sunna or how they were deduced. Human activities are divided in five categories: what it is allowed, what it is recommended, what it is mandatory, what is despicable and what it is forbidden. Sharia makes distinction between the cult obligations and those ones regarding the relationship of people in society.

Cult obligations represent the five pillars of Islamic religion: avowal of faith – by which a person expresses its belonging to Islam and which consists of affirming the oneness of God whose messenger is Mohammed; the second pillar is represented by prayer, which takes place five times a day; the third pillar is fasting; the fourth pillar is the practice of giving, which represents the distribution of products and money to poor people to prove gratitude to Allah; the fifth pillar is the pilgrimage to Mecca and its surroundings, which is mandatory once in a lifetime for those who have the material possibility to do it.

The conceptions about life of the Islamic world are fundamental different of those of the occidental world. If in Occident the church and state are separate institutions, in Islamic world the two are totally linked. Occidental state tends to secularization, Islamic states tend to canonization or otherwise it risks losing their identity. Religion is part of Islamic believers' identity in such a great part that the separation of religion from the state – principle of secularization of western states – is constantly refused by Muslims. In occident, the equality between men and women is guaranteed and has became a modus vivendi accepted by everybody, in Islamic world women have a different status compared to men, it is a patriarchal society which grants rights for women depending of the country (right to education, to work, to health services, etc.) without allowing them to achieve a decision making level on political or religious plan.

The Muslims' fear devolves from the absolute opposition between the conceptions of occidental

and Islamic worlds. In Islamic world, the individual is totally linked to his/her family; family is the centre of life, without family a Muslim is not taken into consideration. In the Western world, the individual is seen separately, the family to whom he/she belongs can be found in private sphere, the individual is the one who matters and his/her family comes on second place. Occident is thirsty of discovery, progress, research; for Muslims innovation is a sin. In Islam, there is no freedom of thinking or conscience, in Occident these are the basis of an individual's education, without them or by limiting them the individual reacting by revolt, by contesting. For Muslims, the personal relationships matter, for occidental his/her relationship with the state. The Muslim is obedient only to Allah.

Anne-Marie Delcambre explains that "In Islam every Muslim has the duty of taking care of his/her neighbor to make him/her do good things and stop him/her from doing bad things and every Muslim is liable for his/her brother/sister in religion because the members of a community are like the fingers of one hand: if one is ill, the others suffer. Occidentalization incites fear because it leads to a new definition of human being, a human being without family relationships, free and autonomous. For Muslim, the status of believer imposes the belonging to the community. There are no human rights but believers' duties which must respect the God's rights![1]".

For Muslim, religion is a living presence in the socio-political life as well as in the family life. In Occident, rationalism, the right to freedom of conscience – including atheism – is strong pillars of democracy.

Democracy would presume as well equality of chances, equality between men and women. For the Islamic world, this type of equality is very difficult to be accepted as long as the Quran reveals that man and woman are different, have different roles and certain specific rights but those can never be equal.

Regarding the market economy, countries from the Islamic space are confronted with a serial of problems as the financial-banking system in the area is much different from the occidental one. The Quran forbids loans with interest, usury or loans without interest. Islamic banks started to develop themselves in the '70s and the funds are supplied by their own funds, deposits and the result of the

fee on the capital administrated by the bank after precise rules, whose respecting is guaranteed by a religious council. Demand deposit accounts do not benefit of remuneration but they can benefit of some bonuses. Time deposits can be invested by the bank in operations considered interesting. Depositors are paid proportional with the deposits and depending on profits after deducing some expenses and fees.

Thus, for states within the Islamic world, introducing democracy represents introducing modernity itself and for this reason Muslins reject it, being afraid of losing their identity. As a direct consequence, fundamentalism (understood as a return to the fundaments, to the basis) appears nowadays as a mandatory reference in the Islamic discourse. It is approved by the masses and often considered a return to Islam, Quran and Sharia. Mecca tends to become the centre of Islamic community, the place where the representatives of isolated Muslim communities gain the conscience that they belong to a community, that they are solidary with the other.

Modernity is identified with Occident and rejected by the Islamic world. Islamic religion represents for the believers a last refuge of identity in a world where the effects of globalization are felt, a world which can not adapt and doesn't want to – Islamic world.

Yet, there are groups of young Muslims which promote competitive Islam and want to reconcile religion with economic welfare. The message they want to transmit is that Muslims must be first hand actors of globalization. These young Muslims consider that it is not bad and it is not a shame to be rich if you invest a part of your fortune in activities which correspond to the values of Islam.

As regards globalization, the tendency of occidentalization, rejected or even condemned by Islamic world, there is an interesting aspect: Muslims reject capitalism but defence private property, condemn occidental civilization, considering it a factor of instability for Islam but they purchase high-tech so that Islamic states or groups become more and more powerful, reject modernity but young Muslims wear jeans. But they never forget their aim of transforming Islam in a world power. They consider Islamic religion as the real religion; that is why Islam is and must remain, in their conception, a power. The force of Islamic movements devolves from the real faith in

Allah. For them, Islam represents the only solution for all their problems, starting with politics and finishing with their private lives, from different aspects of life till the way of organization of world and states.

Neither the attempt to introduce democracy by force in the Islamic world, nor the wish of some states to diminish the force of Islamic religion within the society could succeed better than direct cooperation, eventually, an inter-religious dialogue or religious diplomacy to offer to the citizens in Islamic world (irrespective of their religion) a new perspective over the world, a perspective which could try to adapt the values of democracy to the regional specific.

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NOTES:
[1] DELCAMBRE, Anne-Marie, **Islamul**, Editura CNI Coresi, ediţia a III a, Bucureşti, 1999, p.96.

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THE BUILDING UP AND THE USE OF THE POLITICAL-MILITARY TOOL DURING THE SECURITY GLOBALIZATION ERA

Dan GHICA-RADU

On the background of the globalization process, political-military organizations and institutions are in a continuous process of changing and transformation, and the assurance of security and stability at the local, regional and global level represents a permanent concern for international community. That is why the international security organizations elaborated a series of strategies aiming to counter-act the globalization of insecurity but also to create credible instruments for prevention, early warning and management of the emergent conflicts in this time, deeply marked by the amplification of the international terrorism. Thus, the new global dimension of the security strategies is represented by the improvement and development, by co-operation, of the security institutions and instruments, necessary to reduce and prevent conflicts and other threats on the international security.

Key-words: globalizing, securitz, security tools, ESDP, NATO.

During the Cold War and the period subsequent to the dismemberment of the Soviet Union, the problems of the threats on the security were treated from national perspective, with focus on the danger represented by the known enemies, clearly identified. Even the trans-national problems - terrorism, organized crime, proliferation of the mass destruction weapons, drug traffic - were tackled from the state perspective. This view orientated the national security policy of the great powers toward actions designed to influence the behaviour and attitude of the other states by intimidation, economical sanctions, military assistance and so on, the stress being on the military power as a guarantee of the national security.

The present day's manner of tackling the threats from the state perspective dwells necessary but not sufficiently because it does not cover the entire spectrum of threats. Globalization created new conditions that minimize the importance of national borders and the bi-polar threat was replaced by a various and multi-polar set of threats generated by of conflict situations also. For this reason, the study of the use of the political-military instrument for counter-acting emergent risks and threats at the beginning of the 21st century does not represent only a national or regional priority anymore but a global priority.

The passing to the informational society, battle for resources, enlargement of the retail markets, prevention of the asymmetric conflicts, decreasing of the vulnerabilities and increasing of the security degree are objectives that, in our opinion, are at the basis of the political-military instrument building up for the management of the global security at the beginning of the 21st century.

If during the Cold War the US policy referred mostly to deterrence and discouragement of the US enemies, on June 1st 2002, the president George W Bush presented at West Point the new US security strategy emphasizing that the old policy ended up. On September 11th 2001 a new threat appeared, having a total different nature that requested a different kind of response. Then, the *War against terrorism* was declared. To achieve the aims and objectives of this new kind of confrontation at the global level, George W. Bush introduced a new concept, that of **preemptive war** which differ from that of *preventive war* by the imminent character of the enemy attack. In English, the terms *preempt* and *prevent* are different. The first means *to take action to check other action beforehand* and the second *to keep something from happening*. The preemptive war prepares for, averts, meaning that it precedes an enemy attack that is to happen immediately, the preventive war prevents, that is to say it destroys

a potential threat before it happens[1]. The first is an action forced by circumstances and the second is an action that forces the circumstances and creates a fact. The first could invoke a concept of surviving but the second can't go out from the area of imposing an interest. The first means *defence* and the second is indubitable an *aggression*.

Dr. Gheorghe Văduva's point of view is interesting. In his work, **Războiul asimetric şi noua fizionomie a conflictualităţii armate (The Asymmetric War and the New Countenance of the Military Conflict Concept),** concerning the legality of the military instrument use in the present time: "… in the globalization process, the notions and the letter of law are not so precise and updated yet. They do not respond integrally neither to the dynamic and complex realities which characterize such evolutions with developments frequently unpredictable nor to the interests of the great powers or the great centres of power and influence, which are also dynamic and adaptable to specific situations"[2]. Even the *preemptive war* refers principally to the terrorist networks and dangerous states, especially those supporting this kind of networks, it can be extended to many other situations, being practically discretionary. The War developed in Israel in 1967 can be placed of course, in a *preemptive* way in the category of this kind of preemptive war. Contrary, the war against Iraq in 2003, that represents an extent of that from 1991, can hardly be introduced in this kind of war. It is, however, a war having as an objective to defuse the conflict nucleus represented by Iraq after 1970.

On the other hand, the **European Security and Defence Policy (ESDP)** has as objective to allow European Union to develop its civil and military capacities of crisis management and conflict prevention at the international level. Thus, its contribution to the peacekeeping and international security, as stipulated in UN cart, should considerably increase proportionally with its economic and demographic force. ESDP does not imply the creation of a new European armed force, but it is developing in a compatible manner and in coordination with NATO.

In some researchers' opinions[3], ESDP means a specialization on military functions. This specialization consists in placing every state of the Union, which is willing to do this, in the field that it is totally or partially in charge of, depending on its technology and military skills. The advantage

of such a construction should be, in our opinion, from military point of view, the avoidance of the wasting forces and means.

ESDP excludes any kind of territorial defence. This remains exclusively the responsibility of the national states and NATO. The European Constitution has a solidarity stipulation in case of military aggression, but it will be applicable after all member states ratify it. In the formal mode, the ESDP missions are defined by the three Petersberg tasks adopted in 1992 and implemented in the European Union Treaty. They are:

➢ humanitarian and rescue tasks;
➢ peacekeeping tasks;
➢ tasks of combat forces in crisis management and/or peacemaking operations.

In December 2003, the adoption of the European Security Strategy (ESS) by the European Council contributed to an ampler clarification of the ESDP objectives and also of its role[4]. This document is a real, a doctrine of the European Union in the matter of foreign affairs policy, a doctrine that does not exclude the use of force in extreme cases and remains ambiguous regarding the term of preventive action.

Petersberg missions were better defined in the Constitutional Treaty. Thus, the Constitution announces that ESDP must assure "the peace-keeping, conflict situations prevention and strengthening of the international security". As a result, the Constitution adds to those 3 Petersberg missions, already reminded above, 4 more missions that mustn't be considered as new competences, but a clarification of the tasks pre-existing at Petersberg. So, ESDP includes the following 7 areas:

➢ humanitarian and rescue tasks;
➢ peacekeeping tasks;
➢ tasks of combat forces in crisis management;
➢ disarmament tasks;
➢ military advising and assistance tasks;
➢ conflict prevention tasks;
➢ post-conflict stabilization tasks.

The Constitutional Treaty stipulates that all the tasks can contribute to the fight against the terrorism.

The process of identification and putting in force the military capabilities of the ESDP represents a major challenge for EU. When ESDP was launched in 1999, the European Council established a EU

"Headline Goal": creation till the end of 2003 of a force sized at 50,000-60,000 people from member states (Army Corps level) able to be deployed in 60 days. This capacity, implicitly mentioned in the European Collective Security Strategy adopted in December 2003, was inserted in the new objective established by EU in the military field: *"Headline Goal 2010"*, which aims, first of all, to adopt a series of improvements to cover the lacks noticed in the Helsinki Goal. Besides, it introduces the concept of **"Battle-groups"**, being inspired from an initiative of France, Germany and UK adopted in April 2003. The purpose of this initiative was to put under ESDP a series of forces deployable in 15 days in far off and especially difficult areas.

These battle-groups should have all necessary sustaining elements, including strategic transportation means, to accomplish their missions. Also, they should be able to carry out both autonomous missions and actions necessary to prepare greater interventions.

From the organizational point of view, *Battle-groups* may have military structures from one ore more member states contributing with troops or necessary equipment.

The last initiative was adopted in December 2004. Then, in an informal council, the defence ministers from France, Spain, Italy, Portugal and Benelux proposed the setting up of a ***European gendarmerie force*** of 3,000 people, able to be deployed abroad in 30 days[5]. This Force should differ from other military initiatives by its mixed civil-military character. It responds, indeed, to a more and more pressing need from the international community, that of integration of a civilian component (especially in the field of strengthening the police and the state of law) in a military crises management mission.

The relation between ESDP and NATO is not clearly established. The progressive development of ESDP was accompanied by a continuous criticism on the European military capabilities, especially in comparison with the US ones. The European decision-makers seem to choose two directions. Now, Germany has 280,000 enlisted, Italy - 194,000, France - 259,000, Belgium - 42,000, UK - 207,000[6]. If at the national level such figures have a specific sense, joining them at the EU level they will be about 2,000,000 enlisted (US have 1,433,000 enlisted). For the perspective of a common European policy this figure is uselessly great and implies a waste of considerable human and financial resources. ESDP aims, first of all, to promote a greater complementarity and a better coordination between different national defence policies, to avoid doubling the functions at the European level. The promotion of a reorganization of the member states military budgets, rationalization of the available resources, a better coordination concerning equipments, a slight opening of the defence market represent important objectives for realizing ESDP.

In this framework, NATO will keep the approach established by the Strategic concept and will fulfil the following security tasks:
- security;
- consultation;
- dissuading and defence;
- crisis management and partnership.

But its main aim will remain ***collective defence.***

Out of these reasons, in general, in the next 10-15 years, the Alliance will have to develop:
- the ability to lead and to offer support to the joint combined expeditionary operations in the distant areas, with or without the support of the host nation, and to support them during longer periods of time;
- the ability to adopt rapidly and efficiently the force positions and the military response to the unexpected situations;
- the ability to block, to destroy, to defend and to protect against terrorism the populations, the territory and the critical infrastructure and the forces of the Alliance;
- the ability to protect the critically important information systems of the Alliance against the cybernetic attacks;
- the ability to conduct operations, taking into consideration the threats of the mass destruction weapons, including the ability to protect the NATO deployed forces against the missile attacks;
- the ability to conduct operations in areas which are difficult to deal with, from the point of view of the geography and weather conditions;
- the ability to identify, through equipment and appropriate procedures, the hostile elements, including in the urban areas, with the aim of carrying out some operations in order to reduce the unintended losses and to protect own forces;
- the ability and flexibility necessary to conduct operations in circumstances in which the efforts of

the authorities, of the institutions and of the nations involved need coordination, in order to achieve the desired results;

- the ability to offer military support for the stabilization operations and for the reconstruction efforts adequate to the phases of a crisis progress;

- the ability to develop interoperable forces that can cooperate with the forces of the Alliance partners.

Therefore, it is desired for the NATO forces to be well balanced and flexible, in order to be able to carry out the whole range of mission that they have been designed for, emphasizing the possibility of the Alliance to be forced to develop a high number of low intensity operations. Among the different requirements enumerated, this guide highlights the highest NATO priority, which is to finalize a joint expeditionary force, but also the capability to develop it and to support it in the theatre of operations.

The sociologist Morris Janowitz considers that, besides the two major trends of the modern society (the extension of the political participation; the industrial development), a third series of changes refers to the modern war and to the armed forces transformation.[7] Under the circumstances of the globalization process, the organizations, the political and military institutions are continuously changing and transforming. The sources of this complex process are the changes in the economic, political, military and social environment.

To the clarity of the NATO view concerning the guarantee of the members security by political and military means, adds the recognition of the new values of the institution, together with assuming the new assignments concerning partnership and cooperation as well as the interest to increase the security level in the area of interest. And all these make for the Alliance to maintain it self (for now) on the first place in the unofficial hierarchy of the institutions which "supply" security. The European Union cannot complete with NATO, because of its own characteristics, and maybe because one of the most important objective in defence - the creation of Battle Groups-was not achieved in the expected period of time, being delayed.

On the other hand, the OSCE, having clearly defined the security field and using other ways than the military ones in solving conflicts and crises, continues to achieve its objectives and tries to define its place in the European security environment.

Analyzing the way through which each of the above mentioned organizations defines the security concept and puts it into practice, we conclude that they have a certain degree of compatibility, they complete each other, because each of them emphasizes a certain aspect of security.

While NATO appreciates the crises response political and military methods, EU considers the prevention being more important than the after-crisis reaction. The OSCE adopted a wider concept, thinking that it needs to be active during all the phases of the conflicts, from the early warning to the after-conflict reconstruction.

Another difference among the three institutions is the geographical area of interest. NATO limits to the Euro-Atlantic area, but mentions the surrounding areas (Russia, Ukraine, the Mediterranean area, the Middle East) when it refers to cooperation and partnership, not to the main mission – the defence.

The EU extends its area of interest at global level, talking about the missions in the Democratic Republic of Congo and Afghanistan, but using the concept of *"global thinking, local action"*[8], limits the area of action to the European space and the adjacent area. By mentioning the conflicts around Europe and the need to open toward the Arab world, it brings to the decision factors' attention the possibility to actively involve in solving these conflicts.

The OSCE, being an inclusive institution, is focussed on solving the problems in the area covered by its members which is much more extensive than the area covered by the other two institutions (55 members states from Europe to North America and Central Asia).

At the beginning of the 21st century the security international institutions drew up a number of documents that suggest strategies to counteract the globalization of insecurity. ONU through *"The Declaration of the Millennium"* (2000) and the report *"A Safer World: Our Common Responsibility"* (2004), NATO through the different variants of *"The Strategic Concept"*, EU through *"The Strategy of European Security"* (2003) and the joining demands for the future member states, OSCE through *"The Strategy of Dealing with Threats against the Security and Stability of the 21st century"* (2003) can only set out the general lines of action in order to struggle against the risks,

threats and dangers emergent against security. The globalization of the threats and dangers, together with their increase of the asymmetric character determined the states to revaluate their national security strategy. A very good example is represented by the USA which, after the dramatic events on September 11, 2001, had to adapt their strategy to the current fluent security environment, the last change being made right at the beginning of 2006. It is necessary for such a security strategy, which was created in the framework of carrying on the globalization process, to be shaped so as to protect the states interests and to promote the generally human values that these embraced.

The new global dimension of the national security strategies needs to have in view the achievement of there main goals[9]:

I. promoting some global values, by integration and peaceful adaptation to change, at the same time with the development of some viable systems, institutions and global standards.

II. protecting the individual, collective, national and regional autonomy, based on diversity and on the right to freely express the options, and reflected in flexible national institutions, supported by that state.

III. improving and changing the institutions and the security instruments through cooperation, necessary to the decrease and prevention of conflicts and of other threats against national and international security.

We go back now to the main political and military instruments that have the role of offering security, and we enumerate the components of the European Policy of Security and Defence architecture[10]:

➢ European Defence Agency – EDA;
➢ European Rapid Reaction Force – ERRF;
➢ European Gendarmerie Force – EGF;
➢ European Union Battle Groups;
➢ European Union Institute for Security Studies – EUISS.

As permanent political and military structures, there can be mentioned:

➢ *The Political and Security Committee* - consisting of permanent representatives with the position of ambassadors, which has the competence to deal with the whole range of PESA issues. If there are some military operations of crises management, the Committee will exert its political control (under the authority of the Council) and will set out their strategic directions.

➢ *The EU Military Committee* – consisting of chiefs of Armed Forces Staffs, represented by their permanent delegates. Its main duties are: granting the military assent and expressing recommendations for the Political and Security Committee, offering military directions for the EU Staff. The president of the Committee will take part in the Council sessions whenever decisions which influence the defence are taken.

➢ *The EU Military Staff* – having military competences to support ESDP, especially concerning the conduct of crises management military operations, led by EU. This one is in charge with the analysis of the situations and with the strategic planning for missions similar to the "Petersberg" missions, as well as with the identification of national and multinational European Forces.

The EU concept of "battle group" represents a unit of 1.500 fighters, unit nation can be formed either by only one nation, or by a group of countries, without a minimum or maximum limit of the number of states that form it. The European NATO member countries that are candidates for joining EU can also take part in the constituting of the battle groups. The union (if we are talking about the battle groups) refers to the following main objectives[11]:

- to be able to decide upon on operation, five days after the Council consented to it;

- the forces to be deployed in the theatre, not later than 10 days after the EU decision to start the operation. In order to respond in case of crisis situation or of a UNO requirement, EU needs to be able to support operations at the level of two battle groups simultaneously, for a period of up to 120 days.

- the possible overlapping with the initiative of the Alliance, the NATO Response Force (NRF) imposed the starting of a process of achieving coherence complementarity among the EU battle groups and the NATO Response Force. This means compatible standards, common methods and procedures which can be put into practice at any time.

- for the EU member states, the interoperability of the forces developed by these and the NATO actions represent the first and the most important responsibility of each country. Similar to the battle groups, NRF is an advanced force grouping

which includes land, navy and air, joint, combined elements. The missions and the dimension of the NRF differ in comparison with the EU battle groups, having to be able to engage in the whole range of missions of the Alliance.

In its primary coordinates, the NATO political and military transformation, being the main topic of discussions among the chiefs of states and governments of the 26 member countries gathered in November 2006 in Riga, has the common view concerning the harmonization of the objectives of Transforming in Norfolk (Virginia), achieved after the transfer of experience, learned lessons and information about the best methods in the field, tacking the issue of interoperability, future capabilities, defence plans, joint forming and training, the drawing up and the experiencing of concepts.[12]

During the third stage of becoming Alliance, an Alliance more and more important in the international cooperation, based on the requirement to act outside the Euro-Atlantic space, is a mature, complex and globalizing one, because it is explained by a redefining of the NATO role in the world security architecture. Transformation, as a pillar of the Alliance, has in view the complexity of the changing environment, the future extension of terrorism at world level, but also the mass destruction weapons, the instability caused by the states that failed or are about to fail, regional crises and conflicts, their causes and effects. At the same time, there are reported as being important factors: the wider and wider spreading of the sophisticated conventional armament, the misuse of the emergent technologies, the negative influence of the vital resources flow, probably one of the main risks and challenges for the Alliance during this period of time. A fundamental element of orienting the transformation process is the possibility for the future attacks that would need the use of Article 5 of the Washington Treaty to come from outside the Euro-Atlantic region, and to use non-conventional means of military aggression, making use of asymmetric means and mass destruction weapons intervention. "We don't need a world wide NATO" highlighted the general secretary of the Alliance during a public conference held in Bruxelles. "It is not what transforms us. The kind of NATO that we need – and that we successfully create - is an Alliance that protects its members against global threat: terrorism, spreading of mass destruction weapons and failed states. For this, NATO doesn't need to become a world gendarme. But we do need a more and more global attitude towards security, where the organizations, including NATO, play their own role"[13].

Bringing into the organization states such as: Australia, Brazil, Japan, India, New Zeeland, South Africa and South Korea, after the amendment of the Article 10 in the Washington Treaty is a movement regarded – including by some American experts – a being a wrong one, because it would lead to the disappearance of the Alliance, and not to its renewal.

Charles Kupchan, an expert at the Council of Foreign Relations, thinks (concerning this matter) that "rather than transforming into a small UNO of democracies, NATO should have more modest and realistic objectives: increasing the influence, strengthening the current missions, finalizing the plans of expansion in the south-east of Europe and adapting the institutions to the new political realities".[14]

We conclude by expressing our opinion that the insecurity globalization needs to identify the causes and to create some policies and typical instruments of counteracting. The more the insecurity becomes global, the more we assist, at the same time, to a globalization of the policies and instruments of achieving security.

Due to its economic power, EU needs to take global strategic responsibilities, too. In cooperation with NATO, EU needs to strengthen the institutional and operational framework in order to properly respond to crises and regional conflicts.

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END OF THE PETROLEUM SUPPLY. POSSIBLE CONSEQUENCES

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With a price in oil that even in the most fantastic scenarios would economical decidents and analysts not dare imagine, people have started to question themselves more and more acutely: Aren't we somehow heading towards disaster? If our developmental method is based on false premises, regarding cheap and never ending energetic resources, what is it there to be done? Is oil really going to fade away?

The classical prevision "we still have oil for years to come" is based o the fact that there is a constant need for oil. Unfortunately, there is no such case. New big consumers have arrived on the market lately (China and India, especially) and they use up as much as they can. According to economic evaluation, the way all resources get used up one day, oil extraction started and it will soon end, similarly. Between these two points production passes through a peak. Specialists in field call this point "Hubert peak" after the name of the geologist who first calculated this. This peak is produced on the average when half of the oil quantity has been extracted and the data we have bring us to the conclusion that this point is imminent.

Key-words: end of oil, oil crisis, oil decline, resource conflict, Caspian Sea energy control.

The end of oil age is not a warning given by an obscure Cassandra, found herself in a popularity crisis. Economic reality comes to confirm warnings given in the 70's, last century. History wrote down about the oil crisis which had paralyzed world economy. At the time, the world passed through convulsions will never be forgotten. Meanwhile wars have started under freedom's umbrella, wars that involved tendencies of coordinating oil world reserve. Paradoxically, wars for getting hand on energetic resources have done nothing but melt the crises and determine the oil price get away from any control[1].

After a long economic development, contemporary civilization has reached crossroads, which determined the presence of the real idea that large scale use of fossil fuels cannot go forever. Underground resources are not endless, as they will one day end up. The peak of the oil is the point where we have extracted half the quantity. Once we have passed this moment production will start going down 3% every year.

Rising prices for fuels is the first symptom of a low broadcasted crisis which governments usually avoid mentioning but which will definitely mark down the current civilization: "the end of oil". About this huge collapse surrounded by a real silence, there is a lot of research done by famous specialists like Collin Campbell or Jean Laherrerre, just like the great American geophysicist King Hubbert[2].

"The oil peak" or "oil boom point" is the moment when world oil extraction will reach its maximum. This concept has been introduced by the America geologist Marian King Hubbert. The idea is very simple: since oil is an ending resource, the quality extracted is bigger and bigger until, when it reaches maximum (called "Hubbert point" or "oil peak") and then extraction starts, unavoidably, it goes down. Meanwhile, the extracted quantity follows a curve, called "Hubbert curve", which is similar to a bell. According to "Hubbert curve", around 2008-2010 the peak of oil extraction will be reached, then "Hubbert curve" goes down to 2050, showing a possible lowering in resources[3].

Everyone says there is enough oil for the next 40-50 years. Which is the reality? Among different economists, the issue is not really fundamental. Of course, high prices are a problem for economy but they allow for exploiting sources which are not feasible for the moment and stimulate research within alternative energy sources. Some people believe that oil reserves are virtually unlimited and that research and market law are capable of making the reserves grow sooner that the need.

These economists, so large in number, were even given a name: they are the so-called "flat Earth economists"[4]. For these people market laws are real laws, just like in physics, and they are able to solve, just by being uttered, all the economical problems humanity can face at a certain moment. They think that energy has the same value like other raw materials even though it represents a sine qua non for getting the other raw materials. They believe economy creates wealth, turning raw materials into what they need, without being aware that without energy there is no economy. When economists give speeches on TV about unemployment and taxes on raw materials, having escalating difficulties generated by rising oil prices as an excuse, well, they are wrong. It is not the oil price that is the problem; *the oil is the issue here!*

According to specialists' view, we could talk about "oil's end" as a main energetic source for our civilization, but only around 2050. Till then a dramatic lowering of resources will definitely mark us. If the first industrial revolution which took place in Great Britain around 1800 was based on the power of coal generated steam, after World War I the second source of industrial energy was mainly based on oil. The way we all know this thing changed civilization for good: politically, economically, military and as an everyday social impact, oil became the food for our civilization[5].

It doesn't mean that we have just extracted half the quantity of about two thousand billion barrels which are supposed to be underground. Also, it means we have extracted what it was easier to extract: the oil remained will be more difficult to extract. Oil reserves are not just more reservoirs. Oil extraction is mainly based on the pressure inside the deposit, which pushes it out. Initially things go on smoothly – it is enough to drill and the oil will simply spring out. Yet, as pressure goes down one has injected marine water or carbon dioxide to keep it balanced, this thing cannot go forever – actually you can never extract all the oil in a deposit, only 40% of it. At a certain moment you can reach the situation when you use up more energy to extract the oil, than the one resulted from the oil extracted. Obviously, in such a case, exploitation stops.

Now, at the beginning of the 21st century, the most important specialists speak about exhausting this vital resource and try to give time frames for the end of oil, but also anticipate huge consequences over human civilization. It is impossible for human kind – experts say – to endlessly keep exploiting oil irrationally for about 100 million barrels a day, and oil, as an energetic resource would not fade away[6].

World there is a raise in energy consumption which depends on fossil fuels, which in 2030 will be 85% bigger than I present. Today, world energy production is based 98% on fossil fuel and only 2% on regenerating energy resources. On world reunions, the first place on the agenda was taken by energy issue. A raise in population on Earth with 300 million inhabitants has been noticed, every three years (similar to USA population), especially in developing countries, where consumption grows with 4,1% per year, while in developed countries a growth of 1,9% per year has been noticed. Under these circumstances, world countries need to find financial resources for a new orientation towards unconventional energy supplies[7].

Consequences of a high oil production over the environment can be disastrous. Dr. David Goodstein, physics professor at Caltech, explains: *The USA get now twice as much energy from oil than from coal, so if we wanted to use coal instead of the missing oil we would have to extract even more as the conversion process is also extremely inefficient. We would have to extract five times more coal than now – that is an ore industry on an unimaginable scale*[8].

Geopolitical, strategic and economical implications of US military interventions in Near East and Central Asia are generated beyond the propagandistic well-known pretexts (war o terrorism, democracy, freedom, etc.) by the oil and gas importance in the two areas, which US are trying to monitor, considering the oil crisis.

According to Professor Peter Odell's appreciation, from the Royal Swedish Academy of War Science, about 74% of the known resources of oil and gas are concentrated in countries that belonged to former Soviet Union and Middle East, which explain the US presence in these two vital zones. Anglo-American giant oil companies sustained by military coalition established by Washington are trying to have control not only over oil resourceful countries, but also over those countries the gasoduct, oleoducts and companies pass through or will.

In the above mentioned context, Chevron-Texaco, Exxon-Mobil or Shell, some of the biggest

Anglo-American oil companies have reached a tough competition with European giants – Total-Fina-Elf (French), Eni (Italian), or Russian oil companies[9].

Tough competition on oil market is mainly reflected within political competition among states, aware of most of the conflicts, revolution, and regime changing in the world. That is why talks over oil crisis or end of oil have been surrounded by a real "wall of silence". The common citizen has no access to reference data of this vital field which heads to a final crisis and neither literature on oil crises focuses on this aspect too well.

World governments consider this one of the most delicate secrets, considering enormous consequences over the world. Among few organizations that somehow focus on the big issue of the millennium we can mention Association for the Study of Peak Oil (ASPO) or Oil Depletion Analysis Centre (ODAC).

In Serpa, Portugal, the international conference on Civilization or savageness took place between 23-25 September 2004. After one year some of the forecasts made by specialists in Serpa came true, confirming a certain way /trend, secretly kept by governments[10].

Consequences of oil depletion

Except for wars in Afghanistan and Iraq, US might start up new conflicts (Iran, Columbia, Central Asia) forced by oil resources crisis, with countries that still hold significant deposits of fossil fuel. It is therefore more logical to speak about "Global War on resources" than about "war on terrorism"[11].

Million of people do not understand these deep processes while the mass-media does not offer real data over the issue, to avoid general panic. There is another issue that will change humankind for the future: a different production strategy.

World Bank and International Monetary Fund have imposed a certain "international work division" in the decades that followed the World War II, which forced the underdeveloped countries specialize in exporting certain raw materials that brought funds to buy food. This global scale production system determined the underdeveloped countries to give up any food activity and become totally dependent on rich countries as far as food is concerned, by giving them raw materials.

People have often stated that food import would be cheaper for the underdeveloped countries than producing food itself there, consequently, this line has been followed.

More and more economists wonder: what happens to these countries when shipping costs as well as national prices will be impossibly high due to oil price raise? A lot of poor countries which lack oil deposits will get to an economical collapse and therefore get to a political chaos. Due to excessive oil price raise, poor countries of the world would have to adopt a different strategy, a more primitive one, enlarging the gap between them and the restricted group of the developed countries.

Consequently, according to sociologists' options, oil crisis will not only dramatically enforce the difference between the rich and the non-oil poor countries, but it will also generate different worlds on Earth, with antagonistic production strategy, therefore two types of completely different civilizations. Rich and poor countries will no longer get closer but farther apart.

Jorge Figueiredo, a well-known specialist in energy, the editor from news and on-line analysis "resistir.info", was among those who participated in the Civilization or savageness in Serpa, Portugal. Well-known especially by means of **The Change Into A New Energetic Paradigm**, he entitled his contribution to the conference The Great Phase of Transition: the Post-oil Era. Jorge Figueiredo considers that an oil crisis will certainly start in the coming years and will have deepest effects on humankind. Running out of oil as a resource, with a lack of a commercial energetic alternative will take our civilization to a post-oil "transition age". Also, he mentions changes that oil crisis will bring on a long and medium term, beyond sharpening political and economical conflicts that will be generated by worldly running out of fossil fuels resources.

"The end of oil depletion" over which both governments and the media keep silence will surely destroy intensive agriculture Figueriedo argues, as it is the basic for world food supply. Fertilizers, pesticides, fungicides, agro-tools, everything that is based on oil, will soon be gone. With intensive agriculture fading as a result of reducing ground productivity and agricultural profitability, a global food crisis will come out[12].

Also we will face a stricter demographic control, doubled by a "des-urbanization" and a

return to country life. The current percent where 10% of the humanity feeds the other 90% will no longer be kept, with an "end of oil" environment. This will make for a bigger part of the population to work in agriculture, getting its own food.

Jorge Figueiredo considers that industry as well will be affected by the end of oil, especially the energy-consumer fields. Therefore automobile industry, commercial flights, refineries, will be among the first affected fields.

"The end of oil age" will set forth other energy forms which now are unfortunately either research, or very little used, or even very pricey: solar energy, photo-voltaic, Aeolian, wave energy, hydroelectric energy, biogas, biomass, etc. Another key would be nuclear energy, which is riskier. It is also hydrogen which could be obtained out of water, but technologies are yet uneconomical.

A characteristic of the "post-oil age" is its "synchronous" character: the crisis will affect everyone simultaneously, Figueiredo believes. Firstly, the huge price of the oil barrel will determine excessive going up of price for fuels and then all the products. Secondly, the dramatic depletion of oil will take us to wars and other violent political actions.

Consequently, governments, important oil companies and international organizations (such as US Geological Survey, World Bank, OECD, AIEA) stubbornly avoided talk about this taboo topic: the end of oil as an energetic resource within decades and the lack to a commercial alternative for this; in order not to give raise to "the world great panic" generated by the change of our civilization with all this implies. Even though there is endless evidence on oil depletion within decades, considering oil an energetic resource, both governments and big international companies have given raise to a few categories of "No-men" as Jorge Figueiredo calls them[13].

It is not appreciated yet, according to analysts, what happens when whole continents (Africa, Latin America, others areas) will no longer be able to pay too big a price for fuels in just a few years to come. Another type of "No-men" on oil crisis and its depletion as an energy resource are those who naively believe that the technological progress will be able to soon make up for this energetic resource vanishing. "These are characters who know absolutely nothing on science, but have faith in it just like in a new religion", Figueiredo states.

Jorge Figueiredo foretells great wars on present oil reserves, spectacular political changes as well as series of "revolutions" determined by the next five years. The first sign for this major humankind change was a considerable raise in oil barrel, starting 2006-2008.

Anyway, oil reached the lowest level in more than one year, on Friday 10.10.2008 (81,13 $ at NYME – New York Mercantile Exchange) as a result of lowering the prognosis for global request due to a slow in world economy growth, determined by International Energetic Agency.

International Energetic Agency based in Paris has announced it has reduced the request prognosis globally for this year, with 240.000 barrels a day. The Agency estimates a daily requirement of 86,5 million barrels a day for the current year, which means there will be a 0,5% growth of the requirement compared to last year. This is the slowest growth recorded for the last 15 years. Moreover, the Agency has reduced prognosis with 440.000 barrels a day regarding the requirements on 2009, thus reaching an estimation of 87,2 million barrels a day globally for next year, a raise of 0,8% compared to the estimated level this year[14].

Conflicts for the last great world resources

Eric Waddell is a geography professor in Laval University. He made a series of points clear that stirred sensations in the specialists' field related to the real reasons for Iraq war, as well as other points on Earth where other conflicts will start. All this was published in Global Outlook (November 2002), right before the US invasion in Iraq. According to Eric Waddell, Bush administration decided to have a military intervention against Baghdad regime exclusively because of "oil crisis" and in order to gain control over the last great world resources[15].

Main beneficiaries of the Iraq invasion were not, in his opinion, democracy or freedom but BP, Exxon-Mobil, Chevron-Texaco and Shell .The main goal of the Anglo-American coalition was "US and Great Britain control security over great resources in Iraq", in the context of oil world crisis.

In this article which gradually became famous, Eric Waddell reveals that internal consumption in the US exceeds 20 million barrels oil a day compared to the world consumption. The USA have the biggest import of oil: 56% of the world

consumption goes to America. To keep the standard, USA has to ensure access to new fossil fuel reserves. It is estimated that around 2020 USA oil import will reach 66% of world production, on condition its internal reserves hardly reach 2,8% of the known world reserves.

Two thirds of the oil and gas world resources are to be found in the Eastern part of the Middle East, more exactly the ex-soviet countries in the Caspian sea region (Azerbaijan, Kazakhstan, Russia, Turkmenistan) and Iran which are the focus of a massive American infiltration since 90's, together with countries around them where American companies oleoducts pass or will do so. We can thus think of "orange revolution" (financed by George Soros and Open Society) which change regimes according to interest for USA oleoducts: the most recent example is Baku-Tbilisi-Ceyhan oleoduct.

Oil price lowering is very important for Russian economy. With monetary reserves of about 600 billion $, Federation can still afford to support the Russian national currency and ignore complaints from the west. As long as oil price is up, aggressive diplomacy and mediocre results in government, there will be little economic effect[16].

After Georgia incursion, Russia lost foreign capital of about 30 billion. Moscow Stock Exchange went 25% below the level it had in July with no consequences on internal market if they consider the low percentage of Russian stock-holders. No matter the exaggerated military costs, common individual's life standard grew, along with it going the support of Kremlin's expansionist dreams. Despite the inflation pressure, Russia expects a raise of 7% in 2008 and 2009. If oil price went down, situation would change. In 2007 Russia exceeded the sheet balance of 100 billion $, due to its oil and gas export. If oil price had been around 40$ and not 70$, Russia would have been in deficit[17].

Azerbaijan, a country reach in oil, took a stand for the crisis in Georgia by cutting down the trust in the trans-Caucasian pipes and consequently, supplies to Russia have raised and it started to sell unrefined oil to Iran, a thing that will worry both USA and EU, according to *Financial Times*. Azerbaijan, which has carefully built ties with the West to fight back to the Russian strong influence, initially said that such changes of its energetic ways are temporary, being determined by the conflict

that had started between Georgia and Russia at the beginning of August, when oil and gas routes which were passing through Caucasus to the Black Sea and Turkey were closed, according to Financial Times. Azerbaijan decided yet to continue oil transportation through Russia and Iran, even though the conflict stopped for some time." We do not want to insult anybody… but it is not good to lay all your eggs in one basket, especially when the basket is very frail." Elhar Nasirov said, the vice president from state oil company Socar. Nasirov also stated that Azerbaijan will continue exporting oil to Russia and Iran, even though transportation through Georgia has been resumed, due to high risk in Caucasus." I knew there is a political instability risk in Georgia, but we do not expect a war" the latter underlined. Elmar Mammediarov, Azerbaijan foreign affairs minister, also declared for FT: "We are trying to be friends with everybody, but, at the same time, to act according to our national interests". The reduced oil quantity which Azerbaijan detours through Russia has a symbolic significance for Kremlin, which is focused on laying hands on energy control in the Caspian sea area. Azerbaijan has built strong ties with the US in the 90s when Russia was weak and allowed for western companies to come on the market.[18] Almost a million barrels of oil a day, about 1% of the world need is now transiting Caucasus, partly through the pipe supported by the US, Baku-Tbilisi- Ceyhan. The gas is supplied to Turkey through a pipe that passes south Caucasus. The US efforts to convince Central Asia countries to use these pipes have not been fully successful and now risk to be removed from the system, *Financial Times* says. Kazahstan who has evacuated the oil terminal in Batumi (Georgian harbour at the Black Sea) during the conflict, soon started debates with Moscow about new pipes for export to Russia[19].

On the other hand, Azerbaijan has not joined the west in condemning Russia's actions towards Georgia, against all turbulences created on the oil market. Ilham Aliev, Azer President finished the discussion with Russian counter-part Dimitri Medvedev, in September, saying that his country is looking for "predictability"in Caucasus. The foreign affairs minister has pointed out that Azerbaijan's most important objective is to keep its independence and sovereignty. Nasirov, Socar vice-president underlined that his country is "courted" for its oil, by Russia, EU, and Iran. "Russia

knows it has to pay a very high price if it wants all the Azer gas", he said. Meanwhile, Azerbaijan kept its commitment to send gas to Georgia, by means of the new pipe finished last year. It was also because of fears related to energetic security seen through the Georgian conflict perspective , that the Turkish premiere Recep Erdogan brought into light the so-called Stability and Cooperation Platform which include Turkey Russia, Georgia, Armenia and Azerbaidjan. This Caucasian forum is trying to solve energetic security problems in the area, after the Russian-Georgian conflict and it suggests Armenia should be an alternative for gas and oil that comes from Russia or other Eurasian states." Recent events in Georgia have had a major impact on the region, and the Turkish government suggestion comes in this context. It is obvious Turkey wants to consolidate its energetic security and try to stabilize Caucasus area. This region, fidgeting in tensions, is very volatile and this alliance has come to meet this issue", Fadi Hakura from Chatham House had declared for NewsIn at the beginning of September. Azerbaijan's energetic projects are so much more important for the US , EU and Romania as the gas in this country is considered vital for the Nabucco project, meant to reduce Europe's energetic dependability to Russia. The pipe is supposed to carry 30 billion cubic meters natural gas from Caspian Sea and Middle East, Turkey, through Bulgaria, Romania and Hungary to a natural gas centre in Austria. The consortium negotiation position for Nabucco is threatened by Gazprom, which has recently offered the Azerbaijan and Central Asia producers to buy gas on market price. This initiative lays great pressure on Nabbucco, which has to struggle even more to make deals with gas producers, while it is more and more difficult to ensure its own finance for building, The Wall Street Journal remarked in June within an analysis.[20]

American Strategies

Estimations made by Energy Information Administration places oil world reserves (both estimated and present) at about 243 billion barrels. That is 25 % more than the reserves exploited today, which gives a meaning to the US intervention, like the one in Iraq, seen as a future decade's perspective:" hunger on oil"! Iraq can currently produce 11% of the oil world production.

Moreover, talking about reserves, Iraq is on the second place in the world, after Saudi Arabia (112 billion barrels) Anglo- American companies (BP, Chevron-Texaco, Exxon, Shell) were not there at all until 2003- in Iraq, and were absent from Iran until recently too. Both Iran and Iraq have profitable contracts with France, Russia and China which explains these countries opposition to "American aggression". *Washington Post* was commenting about this on September, 15, 2002: "By eliminating Saddam Hussein American oil companies might be brought back to Iraq, which is detrimental for the French or Russian ones. A 40 billion $ agreement between Iraq and Russia includes opportunities for the Russian companies to explore oil in the western Iraq dessert. The French company Total-Fina-Elf negotiated with Baghdad the rights to explore and exploit oil in the Majnoon region, near the Iran border, which is estimated to have about 30 billion barrels of oil."[21]

Similarly, the French company Total Fina Elf and the Italian ENI one made important research in Iran. On the other hand, Total Fina Elf together with the Russian Gazprom and the Malaysian Petronas set the basis for a joint venture with National Iranian Oil Company (NIOC). Bush administration has often tried to "bomb out" France and Iran agreement as they supposedly trespass the " Iran-Lybia Sanctions Act".

The US oil reserves are estimated at about 22 billion barrels. The ones in Middle East (Iran, Iraq) and the Caspian Sea basin are about 30 times bigger than the US ones, representing 70 % of the world oil reserves.

The US Military and political control over Middle East and Caspian Sea basin actually means Anglo-American oil companies control and domination over about 2/3 of the fossil fuel world reserves. If we consider the already foretold world oil depletion for the next 50 years, a control of ¾ of the world oil reserves means actually control over world economy, Eric Waddell considers. Bush Administration's political and military strategy tries to maintain the US in poll position in the resource sharp competition that will mark the next decades.

In 1970, the US companies were producing 9,7 million oil barrels a day. In 2008, this figure goes down according to estimations, below 5 million barrels, the lowest figure since 1946 to present. Estimations for 2009 do not go higher than 5,29

million barrels. This decrease is due to Gustav and Ike hurricanes devastations which have almost totally stopped the activity in the Gulf of Mexic where 1,3 million barrels are extracted daily. If the scenario of the dramatic decrease in oil necessity is getting clearer and clearer a shape, the Brent barrel in the North Sea was sold with 81,91 $ for November deliveries, 2,75 $ less than the closing figures of the previous day. At the same time, same hour, the "light sweet crude" oil was worth 8,96 $, that is 3,10 $ less than the previous session in New York Mercantile Exchange (Nymex). The Monetary International Fund drew a black forecast for the world economy later evolution. According to MIF, the raising average for the world Gross Domestic Product will go down from 3,7% to 3% in 2009. Banking loses and bankruptcy lead to a considerable raise in credit values, which stops the real economy development. The Economic Collaboration and Development Organization anticipated that the oil consumption for the US sticks to 19,8 barrels a day to the end of 2008, which means 870.000 barrels less than in 2007.[22]

Possible directions

The world raise in oil barrel price has been confirmed by pressures that came out on the future contract market. The international tension that stays around the nuclear Iranian program has also induced serious tensions on the market.

According to analysts opinions there are two short term possible directions. The first is based on the fact that oil market is somehow balanced by the presence of sufficient deposits. The second theory goes on the premises that tensions have been accumulated inside the market, which will lead to a continuous pressure over prices, with a lack of OPEC reactions. The OPEC oil deposits and the remade products are high compared to the last five years levels. Yet, there are signs on demand decrease for the near future, due to international financial crisis.[23]

The recently ended war in Georgia is a huge challenge for the European Union, which has a major goal, despite its lack of a consistent policy: reducing its dependence upon Russian energetic resources without harming diplomatic relations with Moscow. That is why it is hard to believe that the EU and US would spoil their economic and political relations with Russia, as there is a

vital cooperation interest for Western resources. Europe's greatest threat is the Russian monopole over former Soviet Union energetic transportation routes towards the West. After Georgia has been defeated Europe's hope for energetic independence from Russia is already doomed. Russia is obviously interested in having good relationships with the EU and continues oil and gas supply, according to commercial assumed obligations. After the Georgian war yet, a new age seemed to outburst in relation between Moscow and Brussels, Kremlin regime stands out to maintain Caucasus under its strategic influence.

Nabucco in danger? Bad news may come beyond weapons metal sound. As soon as the conflict started, Azerbaijan considered an offer from Gazprom to import natural gas from its fields in Caucasus. This move could represent the ending of a long debated and long postponed project: building the Nabucco gasoduct.[24]

Bucharest has been trying for years to promote the Nabucco project which was o transport natural gas from Iran and Turkmenistan to the West. The main characters in the Nabucco project are the EU, multinational companies OMV from Austria and Mol from Hungary. Nabucco intends to supply about 25 billion cubic meters a year to the Western Europe, each of the transited country having to receive 11 billion cubic meters a year. The project, whose building is planned for 2008 should finish in 3 years time, at a cost of 4,6 billion Euros.

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UN AND THE MILITARY HUMANITARIAN INTERVENTION

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The article presents two conflicting interpretations of the UN Charter regarding the military humanitarian intervention. According to one interpretation, supported by the officials of Russian Federation and China, the Charter forbids such an intervention; according to the other one, endorsed, among others, by Kofi Annan, the Charter allows it. It is also underlined the effect of these interpretations on the Security Council during the 1999 war between NATO and the Federal Republic of Yugoslavia.

Key-words: military humanitarian intervention, UN Charter, Security Council, Kosovo, NATO.

On the 24th of March 1999, NATO's aircrafts started the bombardment of positions of the army of the Federal Republic of Yugoslavia. In a press statement from that day, the NATO Secretary General Javier Solana presented the following explanation for the airstrikes: "We must stop the violence and bring an end to the humanitarian catastrophe now taking place in Kosovo. We have a moral duty to do so". And this view was shared by all the NATO's members.

Over a month, on 29th of April, the president of the Czech Republic, Vaclav Havel, stated in front of the Canadian Parliament that "If it is possible to say about a war that it is ethical, or that it is fought for ethical reasons, it is true about this war".

Although the NATO members considered that the military intervention was morally justified, the Security Council was unable to adopt a resolution authorizing it, because its members could not reach an agreement concerning the legal status of the intervention. The contradictions between the permanent members of the Security Council determined Russian Federation on 26th of March to present a draft resolution condemning the intervention of NATO in the Federal Republic of Yugoslavia. This draft mentioned that NATO's actions violate the sovereignty and the territorial integrity of the Federal Republic of Yugoslavia

and represented "a flagrant violation of the UN Charter, in particular Articles 2, 24 and 53". It was also mentioned that NATO's actions contradicted the provisions of Chapter VII of the Charter. The Security Council rejected the draft by a vote of 3 in favour to 12 against. From the five permanent members only two, China and the Russian Federation, supported the resolution. The vote underlined that the other 12 members of the Security Council, including three permanent members, considered that NATO's intervention respected the Charter of the United Nations.

The disagreement between the members of the Security Council may be discussed in the terms of the relation legal-moral. The supporters of the legitimacy of NATO intervention considered that it was a moral duty, demanded by a moral norm which was present in the Charter and to which the Charter gave greater importance than to that of the sovereignty of states. This interpretation of the Charter was rejected by the supporters of the illegitimacy.

To continue analysing this problem, we have to clarify of the concept of military humanitarian intervention. Martin Griffiths and Terry O'Callaghan offer the following definition of the term, "Humanitarian intervention refers to (forcible) action by one state or a group of states in the territory of another state without the consent of the latter, undertaken on humanitarian grounds (...). It usually involves military force, but it needed not necessarily"[1]. That is why we will use, for more clarity, the term military humanitarian intervention and not only that of humanitarian intervention. A better understanding of the concept of military humanitarian intervention may be reached with the help of the definitions elaborated by Jeff McMahan and Terry Nardin. In **The Ethics of International Intervention**, McMahan proposes this definition of the term international intervention "coercitive external interference in the affairs of a population organised in the form of a state"[2]. McMahan

considers that this definition is large enough to include any external interference of both state and non-state entities (such as military and political organisations). At his turn, Terry Nardin argues that "humanitarian intervention means acting to protect human rights"[3]. Combining these two definitions we may say that military humanitarian intervention means a coercitive foreign interference of a state or a non-state entity in the internal affairs of another state with the purpose of protecting the human rights. Terry Nardin considers that military humanitarian intervention is morally justified only in cases of grave violations of human rights for a great number of people "usually only the gravest violations, like genocide and ethnic cleansing, are held to justify armed intervention"[4].

NATO's intervention in Kosovo may be regarded as a military humanitarian intervention because it was a coercitive foreign interference of a non state entity in the internal affairs of Federal Republic of Iugoslavia interference aiming at stopping the ethnic cleansing.

Defining the military humanitarian intervention is not sufficient to understand why this type of intervention is understood as a moral duty. Explaining the moral status of military humanitarian intervention implies the identification of the moral norm governing it. The already mentioned article of Terry Nardin and a conference held by Kofi Annan and entitled *Intervention* identify such a moral norm: every person is morally obliged to protect the innocent people in danger; when the use of force is the only possibility to protect these people, the use of force is morally obligatory. Violating the human rights means putting people in danger. Because these norms apply to every person, all the inhabitants of a state, including their political leaders, are morally obliged to protect the innocent inhabitants of another state when their human rights are violated by the government. When these violations can be stopped only by the use of force then there is a moral obligation to use force. It follows that NATO leaders presented the military humanitarian intervention in Kosovo as a moral duty because they said that its aim was to end the violations of human rights and the use of force was the only way to do these.

Terry Nardin argues that the moral norm according to which every human being has a moral obligation to protect an innocent person in danger has a long tradition in the European culture. This

moral norm has been a part of what medieval and modern thinkers called the law of nature. It was used by Pope Inocent IV as an argument for the moral right of Christian rulers to military intervene against those rulers of non-Christian kingdoms oppressing the Christians under their authority. In **Utopia**, Thomas Morus states that there is a moral obligation to go to war when this is the only possibility to liberate the people of a state from the tyranny of their rulers.

These conceptual clarifications being done we may now return to the controversies in the Security Council generated by NATO's military humanitarian intervention in the Federal Republic of Yugoslavia. Some of the arguments of the supporters of the illegitimacy of this intervention are to be found in the draft resolution rejected by the Security Council on 26th of March 1999. In this draft it is mentioned that article 2 of Chapter I and the provisions of Chapter VII of the Charter forbid military humanitarian intervention and consequently the actions of NATO in Federal Republic of Yugoslavia. Point 4 from article 2 states that "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state". At point 7 of the same article it is said that "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state". Chapter VII, article 39 states that "The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken" and article 42 mentions that when Security Council appreciates that peaceful measures cannot give effect to its decisions".

It may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security". These provisions of the Charter are interpreted by the supporters of the illegal character of the intervention of NATO as proving that, according to the Charter, the sovereignty of a state can be violated only if it endangers the international peace and security. As long as human rights violations, as grave as they may be, are taking place within the borders of a state, the Charter forbids a military humanitarian intervention against that state. This means, they say, that in the Charter the sovereignty of states

has a higher value than the protection of human rights.

This interpretation of the Charter is rejected by Kofi Annan, in *Intervention.* According to Annan, such an interpretation transforms the state frontiers in a "watertight protection for war criminals or mass murderers"[5]. The Charter, argues Annan, values the human rights protection higher than the sovereignty of states. His arguments come from some of the resolutions adopted by the General Assembly and the Security Council. On 9th of December 1948, the General Assembly adopted the resolution 260 entitled *Convention on the Prevention and Punishment of the Crime of Genocide.* In article 4 of the Convention it is mentioned that "Persons committing genocide (...) shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals" and in article 8 it is said that "any Contracting Party may call upon the competent organs of the United Nations to take such actions under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide". Genocide, says Annan, is committed with the connivance or the direct participation of the government, so that, to comply with article 4, the UN must intervene in the internal affairs of a state in question.

Resolution 827 of the Security Council from 1993 established the *International Criminal Tribunal for the Former Yugoslavia.* In the resolution it is said that the Security Council "Decides to establish an international tribunal for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia." Resolution 955 of the Security Council from 1994 decided the establishment of the International Criminal Tribunal for Rwanda. In the resolution it is mentioned that the Security Council "Decides (...) to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other violations of international humanitarian law committed in the territory of Rwanda". In April 1991, the Security Council adopted the resolution 688 concerning the situation of the Kurds in the north of Irak. The Security Council "Condemns the repression of the Iraqi civilian population in many parts of Iraq, including most recently in Kurdish-populated areas" and "Demands that Iraq (...) immediately

end this repression and in the same context expresses the hope that an open dialogue will take place to ensure that the human and political rights are respected". Annan accounts that, after the vote, the French president François Mitterand said that "For the first time, non-interference has stopped at a point where it was becoming failure to assist a people in danger"[6].

Even if Annan does not insist on resolution 688, its special importance for the subject justifies a short presentation of its consequences. This resolution was adopted by a vote of 10 in favour, 3 against and 2 abstentions; except China, all the permanent members of the Security Council voted in favour. On 16th of April 1991, the American president George Bush declared that "Some might argue that this is an intervention into the internal affairs of Iraq. But I think humanitarian concerns, the refugee concern, are so overwhelming that there will be a lot of understanding about this"[7]. Following this interpretation of the resolution 688, until 24th of April 1991, approximately 2000 American troops and a few hundreds British, French and Dutch soldiers have been deployed in the north of Iraq in operation *Provide Comfort.* Gradually, the number of troops involved in this operation grew, reaching 20000 from 13 countries (according to the International Commission on Intervention and State Sovereignty). In the Report of the Commission issued in 2001, it is mentioned that "no Security Council member voting in favour of Resolution 688 publicly challenged the view that Operation Provide Comfort was 'consistent with' the resolution"[8].

Annan argues that the resolutions he offers as arguments "while paying full respect to state sovereignty, assert the overriding right of people in desperate situations to receive help, and the right of international bodies to provide it"[9]. These resolutions, Annan states, cannot contradict the provisions of the Charter and so the Charter attributes a greater importance to the protection of human rights in comparison with the state's sovereignty. A similar view is expressed by the former Secretary General of the UN Buthros Buthros-Gali: "The time of absolute and exclusive sovereignty, however, has passed"[10].

Vaclav Havel, in his address to the Canadian Parliament, also said that "Human liberties constitute a higher value than state's sovereignty. In terms of international law, the provisions that

protect the unique human being should take precedence over the provisions that protect the state".

Annan remarks that even if the Charter assigns to the protection of human rights such an importance, in many situations of grave violations of these rights the Security Council hesitated to react or reacted too late. In this way it was possible for the genocide in Rwanda and the ethnic cleansing in Bosnia to take place. The different interpretations of the Charter regarding the military humanitarian intervention endanger the UN's and the Security Council's authority. This is to be seen in the case of the relations between NATO and UN. On 22nd of April 1999, after almost a month from the beginning of military operations in Kosovo, Washington hosted the NATO Summit. In the Declaration adopted, at point 7, it was mentioned that "We remain determined to stand firm against those who violate human rights". In an analysis of this Summit, Tom McDonald and Caroline Bahnson show that to reach this objective, "important American diplomats support the idea that it is no more absolute necessary for NATO to respect the Chapter VII of the Charter"[11]. The two authors mention a speech from 1998 of Alexander Vershbow, the USA ambassador to NATO at that time, "Even if a military intervention based on a resolution of the Security Council is desirable, NATO can and will act even without such a resolution if there is a consensus between its members and legitimate reasons."[12]. Between 24th of March and 9th of June 1999, this logic was used to military intervene in the Federal Republic of Yugoslavia. This event determined the Romanian historian Dinu C. Giurescu to state that it was established "the right of NATO to military intervene against a European state when NATO leaders consider that that state repeatedly violated the rights and liberties of a minority"[13].

The documents adopted at NATO Summit in Washington have been considered by the members of the Alliance to be in conformity with the North-Atlantic Treaty.

At the beginning of the Treaty it is said that "The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations". The simplest logic leads us to the conclusion that for the NATO members the military humanitarian intervention in Kosovo respected the UN Charter.

In conclusion, the way in which the UN approaches the problem of military humanitarian intervention will influence its future role in the world.

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[11] Tom McDONALD, Caroline BAHNSON, *Implicații ale summit-ului de la Washington asupra viitorului NATO în Balcani,* in Cornel CODIȚĂ (ed.), **Balcanii - ieşirea din trecut**, Editura ISIS, 1999, p. 31.

[12] Alexander VERSHBOW, Address at NATO Defence College, 9th of December, 1998, cited in Tom McDONALD, Caroline BAHNSON, *op. cit.,* p. 31.

[13] C. GIURESCU, *1990-1999: o retrospectivă,* in Cornel CODIȚĂ (ed.), **Balcanii - ieşirea din trecut***, Editura ISIS, 1999, p. 62.

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NEW JURIDICAL FRAMEWORK OF THE GEOPOLITICAL ENVIRONMENT BETWEEN STATES' SOVEREIGNTY AND INTERVENTIONS' LEGITIMACY

Mirela ATANASIU

Nowadays, the actual security environment is very complex and continuously transforming under the concerted impact of the economic, military, political, social or different type factors. The extremely dynamic international context subjects "the players" of the global scene to take less juridical regimented decisions to reach their interests because, as everyone should realize, the verbs "to act", "to intervene or "to be involved" make the difference between the ones that "can" and the others that "can't", otherwise, between the self-decedents of their future and the ones making their estate policy as it happens or "oriented" by others…

Here interferes the dilemma over our theme we want to develop in this paperwork. How much represents legitimacy and how much is the sovereignty violation in these interventions, especially the armed ones?

Key-words: sovereignty, legitimacy, weak states, failed states, legality, Kosovo.

The legitimacy term is understood, consequently, as "good cause, justification, motivation, purpose, reason, foundation" and also the character or quality "to be legitimate". Still, the "legitimate" term means "based on law, justified by rules".

The "self-defence" term refers to the "situation when someone commits a violent act prohibited by the law but justified as a self-protection action against an immediate and unjust aggression"[1].

The sovereignty is the exclusive right to exercise the supreme political authority (legislative, judicial and/or executive) over a geographical area, group of people or over themselves. Generally, the international law doctrine embraced the thesis due to sovereignty, as institution, appears with the states because the nation-states are considered subjects for the international law but not the individuals as in the intern law. On the other side,

the state's sovereignty recognition is a fundamental condition, but not enough, for its existence as international law subject. State's sovereignty must have an existence "de jure", completed with "de facto" one.

The poor governance undermines the sovereignty principle that constituted the base of the post-Westphalia international order. But, this happens because the problems generated by the weak or failed states for themselves and also for others grew the probability for someone from the international system to intervene in their businesses against their will to solve the problems by force. With the Westphalia Peace, in 1648, the European powers agreed their political power was limited by certain geographical borders. In fact, the Westphalia Peace can be considered the base of the modern principle of territoriality. In regard with this principle, there no foreign power being able to win authority over others states territories excepting the situation when the involved states agreed willingly to renounce to their sovereignty in regard with some problems or issues. In all the situations, the national states function into a well defined territory.

Along the history, the state power becomes exclusive because to the intern rivalry intervention about the authority winning, the monarchs becoming "chief of states" when succeeded to monopolize the fiscal system and the legitimate means of violence (the armies). The people's sovereignty was and still is guaranteed in different versions:

a) In the first, the chief of state is, chosen by the people, or is just a symbolic rank.

b) In the second, the government power is controlled, although shared with a representative Parliament or, sometimes, by an entire people democracy. To assure an equal representation into the Parliament and to allow the citizens to

evaluate and influence the government policies was conceived a system characterized by political pluralism. For this system to work, a society must gain access to information guaranteed by transparency, free mass media and liberty of expression.

c) In the third, the government power is shared between three institutions, independent powers among themselves, but autonomous justice, legislative (Parliament) and administration (Govern). This all three powers are coordinated by Constitution, laws and the institutions of law protection.

1. Juridical characteristics of the national sovereignty elements

The UN Charter that brought the adhesion of 192 states represents the basic document of the international law which preserves the values of democracy and prosperity on the globe. Romania is part from UN since 1955.

The territorial sovereignty in our state's conditions finds its expression in the Constitution's prescriptions in regard with "the Romanian territory is unalienable".

Establishing the spatial limits of the territory, the Constitution shows that "Romania is the common and indivisible country of its citizens no matter their race, nationality, origin, language, religion, sex, opinion, political appurtenance, fortune, or social origin[2].

Consequently, it prescribes that "The national sovereignty is the inheritance of the Romanian people and exercises it by its representative bodies, constituted by free, periodical and right elections, as well as referendum"[3] and "No group or person can exercise the sovereignty as own attribution". This last prescription regarding the sovereignty represents a national guarantee and, concurrently, a preventive measure against possible secessionist movements.

Also, there isn't any regulation in the international law to a lot the self-determination right to the national minorities. Indeed, there exist a tendency in the modern international law to give some collective rights to the minorities but the self-determination right isn't part of these. The 1735&2006 CEPA Recommendation specifying that the actual trend is to recognize some rights to the national and cultural communities and recommends giving some collective protection to the national minorities rights.

The territory constituted and constitutes one main issue in the international relations because it represents one of the material premises of the sovereign existence of states. Also, the territory, owed to the population living into it has a special importance for the political organization and social-economic development of all the human communities. The main principles of the international law refer to the following dimensions: the territorial integrity observance; the observance of the state territory and its borders inviolabilities; the obligation not to use force and the threat with force against the state element; the obligation not to infringe the sovereignty and national independence.

The borders represent real or imaginary lines, the traces between different points of the surface of the earth separating one state's territory from another, free sea, in depth toward acquired access with technique and in height toward the cosmic space. The border definition has a political and economic importance, its regime being established by treaties (at the terrestrial borders between neighbour states) or the intern legislation of the sovereign states (to the maritime borders).

In the fundamental law of the Romanian state "the countries borders are stated by organic law in the respect of the principles and other general norms admitted of the international law".

2. The juridical framework for organizations' intervention

UN foundation as intergovernmental international organization with a mandate of global vocation opens the possibility to affirm and develop the international law as instrument to maintain and strengthen peace and security in the world, to prevent and solve the conflicts.

The UN Charter written to the end of the World War II represents the birth certificate of an collective security system signed at June, 26, 1945, San Francisco, expressing the humanity peace aspirations. The United Nations Pact[4] was a big step toward the war limitation solving by peaceful ways the misunderstandings between the world states. This was a goal appeared in many treaties, conventions and pacts where is mentioned the states' accepted to refer to war just when are

"procedurally" determined situations. Of course, the Chart provisions are *ab initio* legitimated.

In the new security environment, UN role in the international security policy loose considerably from its strength because the nowadays organization of the Security Council doesn't reflect the political realities, USA prevailing as military superpower. Also, UN and its Security Council can't avoid the possibility of rejection by veto some decisions. In these circumstances, USA and their allies got the needed force to rebuild the global order, to redefine the UN and Security Council roles.

The international law application depends by the states' will and, firstly, by the strongest ones but unfortunately, there's no judicial authority controlling the legality of one state, group of states or UN Security Council decisions.

The non-mitigation into the intern affairs, the non-use of force or threat with force in the relations between the states, the every state right to auto-govern as it wishes – all these principles and others, until now unanimously accepted – should be declared anachronistic or even harmful in some situations and if there's so, who should appreciate these situations?

There are more countries stating in their security strategies the right to preventive action when they feel threatened. USA, The Great Britain, Russia and even France are in this situation. These are part of alliances as NATO, which in the last time, seems to have more and more responsibilities in the world. EU began an road concerning the intervention mobilities in crisis situation, the only variable able to adopt being the one of the preventive diplomacy, it would be ideal an intensified cooperation at very high level between the representatives from the international security institutions in problems regarding, for example, these specialists in international law to find viable solutions for the future to calm down the "powder can" from Balkans in a friendly manner and in a "win-win" resolution for all the participant in the tensions. When will be success with this, when will be thought with a "unique voice" for the same goal of maintaining peace and stability in the area, it won't count which region or province what union or alliance is part from as long as their citizens are assured a decent living and a better life. The integration in EU of all the Balkan states fragmented by ethnical conflicts, we consider would be a solution but, without the radical change of the

ideological views there won't be any changes. It's a saying that the norm (law) follows the living (the human necessities) and therefore law is made by people for people and, as a real idea, will be better for the humankind to establish the rule of law, without compromises. As the individuals are equal in front of the law, also states, at their turn, should have the same regime of equity in front of justice, law and, why not, truth.

3. Case study: Kosovo

In the Roman Empire period, Kosovo was part of the Dardania province (in the old timer, the Kingdom of Illiric). After the Slav invasion in the 7th century A.D., Kosovo became part of the Serbian states, Zeta and Raska.

After Serbs defeating in Kosovo Polje in 1398 year, Kosovo as the entire Serbia entered under the Ottoman Empire for the next 500 years being part of the territory administrated by Turks as Nobi Pazar Sanjak.

The actual crisis from Kosovo has complex historical, political and social-economic roots. The length, the systematic violation of human rights rose violence and revenges. Kosovo, an autonomous province of the Federative Republic of Yugoslavia remained historical source of discussions and passed through diverse constitutional organizations.

In 1912, Serbia regain the Kosovo province following the Ottoman dominance give away from Balkans, only for short term, because in the same year, Kosovo was enclosed in the independent New Albania and the following year the great powers (Austria, Hungary, France, The Great Britain, Italy and Russia) forced Albania to surrender to Serbia this reunion.

In 1918, Kosovo was embodied in the new created Kingdom of Serbs, Croats and Slovenians, later called Yugoslavia. Meanwhile the World War II, Kosovo was attached to Albania and, in 1946, was offered autonomous statute into Serbia.

When Iosip Broz Tito was the president of the state, Kosovo had an important role in the federal structural. Initially, was an autonomous region (the Constitution from 1946), then autonomous province into Serbia (Constitution from 1963) and afterward, autonomous province tided just formally of Serbia (the constitutional amendments from 1968/1971 and Constitution from 1974) with competences different of the republics one.

After Tito's death, the Yugoslavia Federation begin to ruin and, in 1989, president Milosevic changed the Constitution creating autonomy for Kosovo. The Albanese ethnics from Kosovo asked autonomy in 1981 but Serbia firmly refused it. At the end of 1990 the relations between Serbs (9, 92%) and Albanese (81, 59%) got worse. Drenica and Pristina was the places where developed the violent confrontations between Serb policy and the KLA[5].

In January 1999, the situation begins to worsen with the Albanese massacres in the region. The diplomatic efforts to find a solution were intensified and, at Rambouillet, in France, was a meeting to bring the peace into the region. The Albanian delegation agreed with the established terms, president Milosevic refused to take any measure in this regard, while NATO prevented Serbia that it could lead air attacks against the Serbian targets from Kosovo if Serbia doesn't obey. And US kept their word following a war where the Serbian forces resisted under the bombardments for 78 days.

After the war in Kosovo, in 1999, the UN Security Council overtook the control in the region. Into the 1244 Resolution from June 1999, there was a request for the Yugoslavia Federal Republic to leave the province to the United Nations. Kosovo was governed by UN, between 1999 and February 2008, as international protectorate with NATO troops (accepted by Serbia by the Kumanovo Agreement in June 1999) where the elections are organized by the international community. Then, there weren't any resolutions of the UN Security Council to mandate Kosovo independency. Many occidental governs argued that if the 1244 Resolution refers to general principles the G-8 foreign ministers agreed before the resolution, these can be used as base to accept the independence.

We start from the juridical main premise that this country, which had been taken by force an important part of its "civilization cradle" is member with full rights of UN from the 1st of November 2000 when it was part of Serbia and Montenegro, and, aftermaths the union state dissolution preserved its adhesion. This happened at the 3rd of June 2006 and reveals the trust this state had in the justice of Organization's actions and in the respect of its Chart main stipulations.

In Balkans existed 4 major types of precedents: the forced reunification of a state by the international community into a confederate arrangement centralized in steps (Bosnia), the resolution of a conflict by decentralization with an unitary state maintenance (Macedonia), the secession of a republic with the agreement of the central state (Montenegro, separated with Serbia's approval) and, finally, reached to the unilateral secession without the agreement of the host state (Kosovo without Serbia's consent). The formal recognition of Kosovo's independency raised a series of aspects of the international law and caused numerous diplomatic difficulties. The United States and many European Union states[6] accepted the fact that the Kosovo province, officially, isn't anymore part of Serbia. Starting with the USA and the majority of the EU member states, 51 states decided to recognize Kosovo as independent state but there are states as Cyprus, Czech Republic, Greece, Romania, Slovakia and Spain which owed to some secessionist tendencies they confront with refused to recognize this independency.

We refer to this province independence recognition as "formal" because it will exist much time just because of the EU tutorial which will govern it and "conditioned" because the movement toward independence accomplished following the implementation of some government standards (institutions functionality) and minorities rights protection.

There are undoubtedly a series of precedents referring to this geographical area, the first is the act itself to declare unilaterally the independency; the second, the fact to be considered by many states as a precedent for future secessionist actions in other states because, in my opinion, count very little the variants of action to create a new state as long the international law was crossed-over once and this fact is the third precedent, the one of "spoiling the image" of Organization that brings "international peace and stability".

From the preamble of the Serbian Constitution is foreseen that "Kosovo is an integral part of Serbian territory with fundamental autonomy", then, the first article stipulates "Serbia is the state of the Serb population and its citizens "[7], and in the second regarding the sovereignty is provides that "there's no state body, political organization, group or individual being able to usurp citizens' sovereignty or to establish a govern with the freely expressed consent of its citizens".

We consider as main elements of this state's Constitution legitimacy and legality the fact that

this new version of Constitution was approved at 30 September 2006 by all the National Assembly members inclosing the representatives of the Serb Radical Party. Then, it passed its citizens' referendum in 28/29 October 2006 making viable for them. Also, there is a provision about Serbia's territory "inseparable and indivisible" and its border "inviolable"[8].

The Venice Commission (The European Commission for Democracy and Law)[9] in regard with the substantial autonomy accorded to Kosovo, considers that an profound analysis of Serbia's Constitution delegates almost all the aspects of the legislature autonomy[10].

The Kosovo president Fatmir Sejdiu and the premier Hashim Thaci rejected the plan to obtain a resolution amended by the United Nation to develop police and justice missions (EULEX) in Kosovo. This was a compromise for Serbia's advantage, to accept the mission. EULEX confronted retards because of Serbia and Kosovar Serb opposition which main condition was that EULEX to get the UN Security Council approval considering this instance the only one having the abilities to pronounce itself in Kosovo regarding issues[11].

NOTES:

[1] http://dexonline.ro.
[2] The Romanian Constitution modified and completed by the revision law of the Romanian Constitution no. 429/ 2003, republished, art. 4, al. 2.
[3] Idem, art.2 , al. 1.
[4] Signed at Versailles at 28 June 1919 and stipulates „The High Contractor Parts considering that to develop the cooperation among nations and to guarantee peace and security is needed to accept some obligations, not to use war, to have open international relations base don justice and honour, to observe rigorously the prescriptions of the international law, recognized therefore as rule of effective leading for governs, to respect the rule of justice and to respect all the treaties' obligations in the mutual reports between the organized peoples".
[5] http://www.jandarmeriaromana.ro/pagini/ci_misPace.html
[6] 18 European states recognized Kosovo independence. There remain few states, also Romania, didn't recognize its independence, maintaining firmly their position without obeying the influences of some occidental power. See: http://www.gandul.info/europa/kosovo-o-problema-de-credibilitate-pentru-ue-si-nato.html?3930;2536525
[7] Serbia's Constitution adopted by the National Assembly at 30 September 2006.
[8] Idem, art. 8.
[9] Ibidem.
[10] CDL-AD(2007)004 - Opinion on the Constitution of Serbia adopted by the Commission at its 70th plenary session (Venice, 17-18 March 2007)
[11] http://www.cotidianul.ro/kosovo_respinge_noul_plan_pentru_desfasurarea_misiunii_ue_acceptat_de_serbia-64019.html

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ORIGINALITY OF THE EU PRESIDENCY AS COMPARED TO THE POSITION OF GENERAL SECRETARY IN AN INTERNATIONAL COOPERATION BODY

Mădălina Virginia ANTONESCU

This article is proposing a legal approach related to the controversial issue of the EU Presidency, both from the vision offered by the Maastricht Treaty, as well as from that of the Lisbon reform Treaty. Has EU a genuine supranational institution, called "Presidency" or rather has it many functional and limited presidencies of major European institutions, like the Presidency of EU Council, the President of European commission or, in the vision of Lisbon Treaty, the President of the European Council? Can we speak of a true supranational nature of this EU Presidency, even if it is in reality, a Presidency of an intergovernmental body like the EU Council or like the European Council? The article is trying to respond to this kind of dilemma.

Key-words: General Secretary, High representative of CFSP, the EU Council Presidency, the European Council President, the EU Presidency, CFSP Troika.

Under the treaties in force, we have to mention that within the EU there are two "Presidencies": one stipulated in Art. 4/TUE concerning the Presidency of the European Council and one mentioned in Art. 203/TCE concerning the Presidency of other EU institution (The EU Council). According to Art. 4/TUE, "the European Council assembles under the Presidency of the state or government head of the Member State exercising the presidency of the EU Council". Therefore, according to the Maastricht Treaty, the position of President of the European Council is automatically held by the state or government head that has the capacity of President of the EU Council[1]. In our opinion, a double juridical and political relation between the two political EU institutions is therefore established: a main relation concerning the state or government head holding the Presidency of the EU Council and a derivative, secondary relation concerning the Presidency of

the European Council. Therefore, at a closer look, we see that there are not two true "Presidencies" of the EU but an "extended presidency of the EU Council" exercised also over other EU institution (the European Council). This shows the need of coherent functioning of the European Union and also the political pre-eminence of the EU Council over the European Council (that does not really have an autonomous "Presidency" and "rival" against that one of the EU Council)[2]. On the other hand, we should mention that this "extended presidency" must not be mistaken for a distinct position in the European government (the position of President of the European Commission), although it has certain relevance within the external representation of the European Union as a political entity.

Secondly, we should notice that the treaties in force do not use the term "the EU Presidency"[3], precisely for preventing the evolution from a political content that is not able to achieve the institutional centralisation within the European Union (the "Presidency", provided through rotation by each Member State for six months – if we consider the Presidency of the EU Council) towards the establishment of a true and permanent position of "President of the EU" that has juridical and political autonomy against all the EU institutions (maybe, within a democratic approach, even a President who is responsible towards the European Parliament). The new Art. 18/TUE uses, within CFSP, the vague term "Presidency"[4], without specifying whether it relates to the Presidency of the EU Council or the European Council or, more generally, the "EU Presidency". Irrespectively of the name used (including the Treaty of Nice uses the generic term "Presidency"[d] without expressly referring to the "EU Presidency" but only mentioning one of its attributions), according to the treaties in force but also to the Lisbon Treaty (that in Art. 9B/TUE regulates "the President of

the European Council" – thus giving individuality and pre-eminence to the European Council against to the Presidency of the EU Council due to the fact that the President of the European Council is an independent and supranational political institution, the EU Presidency has original elements against the political institution of the "Presidency" within the Council of Ministers in the Council of Europe, the OSCE Presidency and also the Presidency of the North Atlantic Council within NATO.

We should also mention the innovation of the Lisbon Treaty that separates the "Presidency of the European Council" from the "Presidencies of the EU Council" (the rule established by Art. 4/TUE is no longer used). Thus, the Presidencies of the ministry groups of the EU Council are provided by the representatives of the Member States within the EU Council (Art. 9C/TUE amending the Lisbon Treaty). The European Council appoints and revokes the High Representative of the Union for foreign affairs and security policy presiding over the Council on Foreign Affairs, a ministry group within the EU Council (Art. 9E/TUE amending the Lisbon Treaty).

Unlike these "Presidencies" within the EU Council, the Lisbon Treaty (Art. 9B/TUE) establishes a distinct "Presidency" (of the European Council") characterised by autonomy (the President of this political institution is elected by the European Council with one mandate renewal possibility only; the European Council may end its mandate in case of obstruction or serious guilt).

The Lisbon Treaty establishes a juridical equilibrium between the Presidency of the European Council and the European Commission (regarding the external representation of the Union: thus, according to Art. 9B/TUE, the President of the European Council provides the EU representation in the field of CFSP while according to Art. 9D/TUE, the European Commission has no attributions in the field of CFSP but provides the external representation of EU).

At the same time, the High Representative of the Union, as President of the Council of Foreign Affairs, leads CFSP while as Vice-President of the European Commission provides the coherence of the external activity of the Union and has responsibilities within the European Commission, that it has in the field of the external relations and the coordination of the other aspects of the Union's external activity.

As regards the composition, under the treaties in force, of the "EU Troika"[5], we notice its originality as compared to the "OSCE Troika"[6], for example, international cooperation body[7] whose institutional structure also includes the so called "Chairman-in-Office"[8]. This institution, called the "OSCE Troika", was established by the provisions of the Charter of Paris for a New Europe/1990 and formally institutionalised in 1992 only by the Helsinki Document.

Unlike the "EU Troika" (under the treaties in force, it is actually made up of the Presidency of the EU Council – the state or government head holding this position for six months -, the High Representative for CFSP also holding the position of General Secretary of the Council and the President of the European Commission and the next Presidency of the EU Council could also take part in the "EU Troika"- Art. 18/TUE amended by the Amsterdam Treaty does not provide the intervention of the state previously holding the Presidency any more), the "OSCE Troika" changes yearly. Thus, the Chairman in Office of OSCE is assisted by the person who previously held the position of President and that who will exercise the Presidency, in order to provide the continuity of the organisation.

As regards the organisation Council of Europe, there is no specification as to whether the Presidency of the Ministry Committee is the Presidency of the organisation itself, but there is a specification of the fact that the Presidency of the Ministry Committee is held through rotation for six months by each of the ministers of foreign affairs of the member states[9].

Although the Statute of the Council of Europe/1949 does not regulate the institution "Presidency" of the organisation, Art. 13, chapter IV concerning the competence of the Ministers Committee stipulates that it acts on behalf of the organisation Council of Europe (thus representing the organisation within its internal and external juridical relations). But chapter IV of the Statute does not refer to the existence of a "Troika", similar to that one in OSCE or EU.

As regards the existence of a "NATO Presidency", it is not provided by the North Atlantic Treaty. But the North Atlantic Council (NAC) is a sole body for consulting on security issues between the member states[10], sole body of the Alliance whose authority expressly results

from the constitutive Treaty and the Honour Presidency of the assemblies of the permanent Council[11] is successively given for one year to one of the ministers of foreign affairs of the member states. This makes NAC similar to the EU Council concerning the "Presidency" although NAC may assemble in top meetings attended by the state and government heads (such as the European Council within the EU).

Therefore, as regards the composition, the "EU Presidency" is different (both under the treaties in force and the Lisbon Treaty, as a Presidency of the European Council) from the "Presidency" of certain international cooperation organisations.

Concerning the attributions of the "EU Presidency", in comparison with those of the "Presidencies" of the international cooperation organisations, there are more juridical differences showing the originality of the "EU Presidency" as belonging to an original political entity that also has an integration dimension, such the EU.

Thus, as compared to the attributions of the "OSCE Presidency" (coordinating of the works of the OSCE institutions, representing the organisation; supervising the activities concerning the conflicts settlement, crisis management and post-conflict reconstruction)[12], the EU Presidency (here considered as Presidency of the European Council) has specific competences related to the competences of the European Council institution stipulated in Art. 13/TUE. Thus, under the treaties in force, the Presidency of the Union acts in the field of CFSP[13] (field where the European Council defines the general and main trends including for issues having implications in the defence field). According to the new Art. 18/TUE, the Presidency represents the Union for issues concerning CFSP; it is responsible for implementing the decisions within CFSP; it expresses the opinions of the Union within the international organisations and the international conferences[14]. We should repeat that, under the treaties in force, the "Presidency" is actually a joint Presidency (of the European Council and the EU Council).

This is reinforced by the new Art. 24/TUE of the Treaty of Nice stipulating other type of competence of the Presidency (assisted by the European Commission), namely to conclude (under the Council authorisation) agreements with one or more states or international organisations in the field of CFSP.

The role of the European Council President (Art. 9B/TUE amending the Lisbon Treaty) becomes one impossibly to be integrated in the role of the other Presidents[15] (that of the European Commission; those of the EU Council groups). Thus, unlike the role of a President of a main body within an international cooperation organisation[16] (allowing, to a certain extent, the identification of a "*de facto* Presidency" of the organisation itself, such as NAC/NATO, the Ministers' Committee within the Council of Europe organisation or the OSCE Presidency), the role of the President of the European Council under the Lisbon Treaty reveals the supranational juridical nature of this political institution (Art. 9B/TUE, according to which the President may not exercise a national mandate)[17]. At the same time, the President of the European Council is independent to the other EU institutions (including to the European Parliament[18] that can not make it politically responsible); his independence is not provided yet by the treaties in force (when an "extended Presidency of the EU Council" is mentioned). As regards the international cooperation organisations, there is rather a specific political role associated to a main body – the role of the president of that body to represent the organisation overseas or to preside over the meetings of the main body –than a distinct body called the "President".

The attributions of the "EU President" under the Lisbon Treaty are mainly related to the external relations of the EU[19] as an original political entity also having an integration dimension.

These attributions (exercised by the President of the European Council as representative of the EU in the field of CFSP; exercised by the High Representative of the Union as President of the Council of Foreign Affairs, leading the Common Foreign and Security Policy of the EU (Art. 9E/TUE amending the Lisbon Treaty) are different from those ones exercised by the president of a main body within an international cooperation organisation. Thus, the Presidency of NAC/NATO is intended to provide the honour presiding over the inter-ministry meetings of this plenary decisional body[20] (while NAC is not competent for making decisions within the "common foreign and security policy" of the NATO states whereas such a policy type, although intergovernmental, is not specific to NATO but to a complex and integrationist political system such as EU). This is also the case of the

Ministers Council within the Council of Europe that has as specific attributions the analysis of the proper actions for achieving the purposes of the Council of Europe; the conclusion of international agreements; make binding decisions over all issues concerning the organising and the internal arrangements of the organisation.

We notice that Art. 31, 15, 16/ Statute of the Council of Europe refer to competences of a main body of this organisation (the Ministers Committee) and not to competences of the "Presidency" of the organisation (as a political body that is not provided by the Statute) or of a possible "Presidency" of this Ministers Committee.

The attributions of the "OSCE Presidency" (a political institution that is similar to the EU Presidency, at least as regards the internal structure of "Troika" type) are different from those ones of the EU Presidencies though (that are active in the field of CFSP and not in the field covered by the objectives of OSCE). Only once the "Petersberg missions" came out through the Amsterdam Treaty[21] (missions that include, according to the new Art. 17/TUE, amended by the Amsterdam Treaty, missions with competent combat units for the crisis management, including missions for peace restoring), these attributions became similar to the specific supervision attributions of the OSCE Presidency in the fields of conflicts prevention, crisis management and post-conflict reconstruction[22]. An integration of the attributions of the two "Presidencies" can not be done though, whereas OSCE is an international cooperation organisation[23] focused on three specific security dimensions: humanitarian; political and military; economical and ecological, different from the EU as original political entity including economical integration dimensions as well as common policies of intergovernmental nature (CFSP; judiciary cooperation in criminal matter).

While under the treaties in force, the existence within the EU of a "General Secretary" is stipulated by the agreements (the new Art. 18/ TUE of the Amsterdam Treaty; Art. 27D/TUE of the Treaty of Nice), we should mention that the High Representative for the common foreign and security policy is the one concerned, who is also cumulating the position of General Secretary of the EU Council.[24]

In Title XXI of the Treaty of Nice, Art. 207(2) TCE, there is a provision stipulating the establishment of a General Secretariat[25], body that is under the responsibility of the General Secretariat of the EU Council that will be assisted by a Deputy General Secretary, responsible for the functioning of the General Secretariat. While it is a technical body, auxiliary to the EU Council[26], the General Secretariat is yet a structure that is specific to an international organisation[27], having the attribution, as regards the political system of the EU, to assist the EU Council (moreover, the General Secretary and the Deputy General Secretary are appointed by the EU Council by qualified majority).

In the Lisbon Treaty, there is not such provision concerning the High Representative CFSP that should be also the General Secretary of the EU Council anymore (see Art. 9E/TUE and Art. 9C/ TUE concerning the EU Council); on the other hand, a new and supranational political institution is regulated (the High Representative of the Union for foreign affairs and security policy, assuming and developing the attributions concerning CFSP of the CFSP High Representative)[28]. As regulated by the new Art. 9E/TUE or Art. 13a/TUE, according to the Lisbon Treaty, it can not be reduced to the position of General Secretary under the treaties in force any more (as regards the participation of the General Secretary to the "CFSP Troika"). Through the position of President of the Council of Foreign Affairs, the High Representative becomes actually one of the "EU Presidents", while EU is considered as a political entity with a double (intergovernmental and integration) dimension[29].

Thus, if we consider the High Representative of the Union, according to the Lisbon Treaty, as President of the Council of Foreign Affairs, as compared to the General Secretary of an international cooperation organisation, we should take into account the above mentioned aspects (in particular the distinct juridical, supranational and "European governmental" nature of the High Representative against the juridical nature of technical body belonging to the President of the organisation, a General Secretary in an international cooperation organisation – for example, the case of the General Secretary of OSCE[30].

We should mention the fact that the High Representative of the Union, under the Lisbon Treaty is, due to the attribution of presiding over the Council of Foreign Affairs[31], one of the "EU Presidents" with a decisional role and a role of executing the decisions made by the EU Council

and the European Council in the field of the common foreign and security policy.

The High Representative can not be reduced to the capacity of "technical, auxiliary body" but, in our opinion, it represents a distinct political and juridical institution, including through the special relation with the European Commission (whose Vice-President it is, without being similar to an European Commissioner) and other EU institution, the European Council (according to Art. 9B/TUE, having the right to take part in its works).

However, within the development of the international cooperation organisations, the General Secretary came to meet other roles apart from the strictly administrative ones[32] (it represents the organisation as a whole, in the conflict of interests between the member states and also overseas; it prepares the budget draft of the organisation; it draws up the annual reports of the organisation; it has the attribution of being depository of the international treaties concluded under the aegis of the organisation; it has the capacity of mediator or conciliator within the disputes settlement between the member states). Due to the fact that it is a body belonging to an international cooperation organisation (UNO, OSCE, NATO, Council of Europe), the General Secretary can not be considered as similar to certain supranational institutions such as the President of the European Council (Art. 9B/TUE amending the Lisbon Treaty) or the President of the European Commission (Art. 9A/TUE, paragraph 1).

Unlike a cooperation organisation (within which there is a sole administrative body of the organisation with the name and attributions of a General Secretariat), in the institutional framework of the EU there is not a political institution of the "EU President" but a "troika" according to the treaties in force[33] that can not be considered as similar to a General Secretary as regards the composition and the juridical nature. The "EU Presidency" is not mentioned as such by the Lisbon Treaty either. At the same time, according to Art. 18/TUE amended by the Amsterdam Treaty, the "Presidency" (namely the Presidency of the EU Council and the European Council), and the General Secretary of the EU Council (High Representative of CFSP) take part in the "CFSP troika".

However, under the treaties in force, we can not mistake a component of the "Presidency" (namely the General Secretary of the Council) for a distinct body within an international cooperation organisation (the "General Secretary" who is different from the President of the organisation).

This difference between the "Chairman in Office" and the "General Secretary" occurs within OSCE[34], while the General Secretary (established in 1992, at the meeting of the CSCE Council in Stockholm) acts as a representative of the OSCE President, assisting it in all activities proposed for meeting the objectives of the organisation.

We notice that in the Lisbon Treaty the position of "General Secretary" is not given to anyone of the "EU Presidents" (the High Representative as a President of the Council of Foreign Affairs, the President of the European Council or the President of the European Commission) anymore, meaning that a distancing from the intergovernmental model that is specific to the international organisations took place (occurring under the treaties in force as regards the CFSP High Representative), to the advantage of the supranational model (establishment of the "High Representative of the Union").

In comparison with the General Secretary of the EU Council (the CFSP High Representative and one of the "CFSP troika" components, the President of the EU Council and the President of the European Commission), under the treaties in force, as regards the method of appointment and comparing it with that of the "General secretary" of an international cooperation organisation, we notice the following differences: according to Art. 207(2)/TCE amending the Treaty of Nice, the General Secretary of the EU Council is appointed by the EU Council[35] by qualified majority (while the unanimous vote was excluded from the old Art. 151/TCE) without the mandate period of this High Officer to be mentioned. In the UNO system, the Charter does not specify the length of the mandate of the UNO General Secretary[36] (usually there is a five years mandate with the possibility of one renewal only) but provides that the General Secretary is elected by a main plenary body (the General Assembly) on the proposal of the Security Council.

Within other international cooperation organisation (NATO), the General Secretary holds a very important position without being expressly mentioned by the agreements (such as NAC)[37]. Even if the General Secretary of NATO also holds the position of President of NAC

(North Atlantic Council), it can not be a "NATO President" due to the intergovernmental nature of this organisation (the Treaty of which implicitly rejects the theory of the competences transfer by the member states towards the institutions of the organisation), the position of "President" having rather a federalist or supranational connotation (except OSCE, the President in office of which has a well defined role, not taking into consideration the intergovernmental profile of the organisation). The head of the Secretariat of an international organisation is usually elected or appointed by the General Assembly (the plenary body of the organisation).

Whereas the Washington Treaty /1949 does not regulate the juridical institution of the "General Secretary", by applying the above mentioned rule, it results that the NATO General Secretary is elected by the member states within the North Atlantic Council[38] (getting thus close to a "General Secretary" as regards the way of appointment that is specific for a cooperation organisation, the President of the European Council who is elected by the European Council, according to the new Art. 9B/TUE amending the Lisbon Treaty; the High Representative of the Union, who is appointed by the European Council under Art. 9E/TUE amending the Lisbon Treaty; the President of the European Commission, who is proposed by the European Council, according to Art. 9D/TUE (as a plenary body with a central role in the decisional and management process of the organisation is that appointing for three years the OSCE General Secretary (aspect getting close to the method of appointing by the European Council of the President of the European Council and the High Representative, as two of the "EU Presidents" according to the Lisbon Treaty)[39.] The same rule is provided in Art. 36, chapter IV/Statute of the Council of Europe concerning the appointment of the General Secretary by the Consultative Assembly as a plenary body, on the recommendation of the Ministry Committee.

We should notice the specific way of appointing the President of the European Commission (the third "EU President" as compared to a "General Secretary" within an international cooperation organisation: according to Art. 9D/TUE amending the Lisbon Treaty, the President of the European Commission is elected by the European Parliament[40] (while this element gives it direct democratic legitimacy, similar to a state President), elected again by the European Parliament (as a member of the European Commission, together with that) and appointed once more by the European Council (at the time when the European Commission, as a whole, is appointed).

At the same time, the appointment of the High Representative of the Union and the President of the European Council by the European Council, according to Art. 9E/TUE and 9B/TUE amending the Lisbon Treaty should be regarded within the context of the EU institutions originality. Thus, although under the treaties in force it has an intergovernmental nature mainly (while it is made up of the state or government heads of the member states and the President of the European Commission, according to Art. 4/TUE), the European Council belongs to the institutional framework of a complex political entity, with an integration dimension (according to Art. 9B/TUE amending the Lisbon Treaty, we notice that its supranational aspect is reinforced, in our opinion, while the European Council is made up not only of the state or government heads of the member states, but of its President and the President of the European Commission as well, plus Art. 9B/TUE amending the Lisbon Treaty by which the High Representative has the right to participate in the works of the European Council).

As regards the attributions given by the Lisbon Treaty to the "EU Presidents" as compared to the attributions of a General Secretary in an international cooperation organisation, other differences should be mentioned.[41] Thus, none of the three EU Presidents (the High Representative of the Union; the President of the European Council; the President of the European Commission), according to this Treaty, has an attribution that is specific to a "General Secretary" (of being depository of the international treaties concluded under the auspices of the organisation such as the UNO General Secretary).[42] On the other hand, this attribution is not expressly mentioned by the articles of incorporation of the organisation, neither for the NATO General Secretary, nor the OSCE General Secretary (body that was established following the meeting of the CSCE Council in Stockholm/1992 and not by an international Treaty that regulates it as a distinct body).[43]

The Treaty of the European Communities (the new Art. 313) or Art. 14(1)/TUE only mentions

the fact that these treaties will be deposited at the government of the Italian Republic whereas there is not a EU institution acting as a depository of the treaties in force.

On the other hand, within UNO, the UNO General Secretary is the depository of the amendments to the UNO Charter, although the depository of the ratifications to the Charter is the USA Government; at the same time, the UNO Secretariat registers all the treaties concluded between the member states; it translates and publishes them. Likewise, the Prague Office of the OSCE Secretariat holds the files of the organisation (although an attribution of "depository" for the international documents concluded within the organisation is not expressly specified). Although the Washington Treaty, establishing UNO, does not provide any attribution for this matter assigned to the General Secretariat (while Art. 11 provides the instruments for the ratification of the general Treaty to be deposited at the USA government), the attributions and the complex structure of the NATO International Secretariat[44] could indicate the possible existence of a practice of depositing the international treaties and agreements as well as other documents concluded between the member states or between the member states and third countries, at this Secretariat.

While there is a similarity between the attribution of the President of the European Council (according to Art. 9B/TUE amending the Lisbon Treaty) and the attributions of the General Secretary of an international cooperation organisation (as regards the preparation and the proceeding of the organisation meetings)[45], that is not the case of other type of attribution (preparing the budget draft by the Secretariat of an international cooperation organisation)[46].

In case of the EU, this attribution is assigned to the European Commission (that, according to Art. 272/TCE groups together the expenditures estimates from each EU institution, in a budget pilot study submitted to the EU Council)[47]; likewise, the Lisbon Treaty keeps this attribution of the European Commission of drawing up the budget draft (the new Art. 272/TFUE).

Other attribution that is specific to a "General Secretary"[48] in an international cooperation organisation that belongs to the President of the European Council as well (Art. 9B/TUE amending the Lisbon Treaty) or the High Representative of the

Union (Art. 9E/TUE amending the Lisbon Treaty) is the external representation of the Union[49].

However, although a "General Secretary" (such as the UNO General Secretary") has the attribution of concluding international treaties[50], we notice that the article concerned does not stipulate such attribution of the President of the European Council or the President of the European Commission (the EU Council is the one authorising the institution of the negotiations; adopting the negotiating directives; authorising the signing of the agreement; concluding the agreements according to Art. 188N/TFUE amending the Lisbon Treaty).

The High Representative of the Union has only the attribution of submitting recommendations to the EU Council in the field of the conclusion of international treaties concerning exclusively or mainly the common foreign and security policy.

The EU Council has the same competence, of concluding international agreements, according to Art. 24/TUE amended by the Treaty of Nice (the Presidency may be authorised by the EU Council for initiating the negotiations, assisted by the European Commission, that is a distinct role as compared to the attributions of a "General Secretary"). Within the EU's institutional framework, the EU Council is a political institution with numerous attributions far exceeding the competences of a "General Secretary" (legislative attributions, for example). Art. 18/TUE does not specify the attributions of the CFSP High Representative, the General Secretary of the EU Council (but only stipulates their episodic, secondary role of assisting the Presidency - in the field of CFSP).

This General Secretary of the EU Council does not have a political role as significant as the UNO General Secretary (to inform the Security Council on any issues that, in its opinion, could jeopardise the maintenance of the international peace and security; to undertake the concrete measures that it considers as appropriate for implementing the decisions of the main UNO bodies; to act as a conciliator or to intervene for the conciliation between the UNO states in case of an international conflict).

The President of the European Council (Art. 18/TUE) has the role of representing the Union in issues concerning the common foreign and security policy[51] (as a type of intergovernmental policy exercised within an original political entity such as the EU, revealing the specificity of its

attributions as compared to the attributions of the General Secretary of an international cooperation organisation.[a52]

As a conclusion to this matter, we mention once more that, neither the treaties in force nor the Lisbon Treaty stipulate a distinct EU institution - the "General Secretariat" – lead by an independent General Secretary, by which the Union would become similar to an international organisation. To this matter, the Lisbon Treaty confirms (by not stipulating the existence of a General Secretary, as a EU distinct institution) the Union's tendency towards the political integration, while preferring to regulate the Union's High Representative and the President of the European Council (whose attributions exceeded the classical competences of a "General Secretary" in an international cooperation organisation).

NOTES:

[1] Moreover, the state exercising the "Presidency" should provide, through its representatives, the presiding over the "intergovernmental institutions and bodies" such as: the EU Council, the European Council, COREPER, its working groups, the committees that are specific to pillar II and III, assemblies for coordinating the member states within the international assemblies and conferences. Cf. Philippe MANIN, **Droit constitutionnel de l'Union Européenne**, Pédone, Paris, 2004, p. 254.

2 At least not according to the treaties in force.

[3] Although an author (Jean-Claude GAUTRON, **Droit européen**, Dalloz, Paris, 1999, p. 122) considers that the Presidency of the EU Council is also the "Presidency of the European Union".

[4] The "EU Presidency" (or of the EU Council, according to Thomas CHRISTIANSEN, *The Council of Ministers,* în Jeremy RICHARDSON (ed.), **European Union. Power and policy-making**, Routledge, London, NY, 2001, pp. 142-143) started as a technical innovation of the EU Council, aiming at distributing among the national administrations the task of organising the business of the EU Council as well as presiding over the various ministry assemblies and working groups. Later on, the "Presidency" becomes a complex body, with a significant administrative responsibility and a strong political profile (involved in the field of CFSP).

[5] Gilles FERRÉOL (coord.), **Dicţionarul Uniunii Europene,** translation by Iuliana-Cristina Doboş, Polirom, Iaşi, 2001, p. 52.

[6] Made up of the representative of the member state (minister of foreign affairs) holding the Presidency in office of the OSCE, assisted by the previous President and the person who will hold the OSCE Presidency Cf. **OSCE Handbook**, Vienna, 1999, published by the Secretariat of the OSCE, www.osce.org.; OSCE Handbook 2000, www.lsn.ethz.ch/OSCE/introduction/docs_related, p. 30.

[7] We should mention the unique status of OSCE that has no juridical status within the international law and the decisions of its bodies are political and not legally binding. But OSCE has some features that are specific to OI: permanent headquarters and institutions; permanent officers; constant financial resources: work offices; decisional bodies. Cf. **OSCE Handbook**, op.cit., p. 3.

[8] The Chairman in office coordinating the decisional process; who is responsible for establishing the working agenda and organising the works of the decisional and negotiating bodies of OSCE; organises the informal assemblies of the representatives of the member states; who represents the organisation; who supervises the activities related to the prevention of the conflicts, crisis management, post-conflict reconstruction. This institution was established by the provision of the Charter of Paris for a new Europe/1990 concerning the presiding by the host country's minister of foreign affairs of the assembly of the Council of Ministers OSCE. Through the Helsinki Document/1992, it is formally institutionalised. Cf. **OSCE Handbook**, 1999, op.cit., pp. 29-30.

[9] **Manualul Consiliului Europei**, coord. Nicolae ECOBESCU, Biroul de Informare al Consiliului Europei, Bucureşti, 2003, p. 56.

[10] **NATO Handbook**, 2001, NATO Office of Information and Press, Belgium, p. 149.

[11] **Manualul NATO**, Oficiul de Informaţii şi Presă al NATO, Bruxelles, translation by Cristian Unteanu, Ed. Nemira, 1997, p. 96.

[12] **OSCE Handbook**, op.cit., 1999, p. 30

[13] Philippe MANIN, **op. cit**, p. 255, Augustin FUEREA, **Instituţiile Uniunii Europene**, Ed. Universul Juridic, Bucureşti, 2002, p. 56. But neither the EU Presidency nor the European Council are responsible towards anyone, in the field of CFSP – negative aspect whereas they distance from the idea of a civic Europe where the citizens have political control over the actions and the decisions of the EU institutions. See widely the discussion concerning the CFSP and the Treaty of Amsterdam: La sécurité interne et externe de l'UE sur la base d'Amsterdam, *De Maastricht à Amsterdam: quel progrès?, Luxembourg–Kirchberg, 29 novembre 1997,* in **Le processus d'intégration européene dans la suite du traité d'Amsterdam**, *Institut d'Etudes Européennes et Internationales du* Luxembourg, 1999, p. 331.

[14] Iordan Gheorghe BĂRBULESCU, **Uniunea Europeană. Aprofundare şi extindere. Cartea I - De la Comunităţile Europene la Uniunea Europeană,** Ed. Trei, Bucureşti, 2001, p. 138.

[15] Its role, according to the Lisbon Treaty that assumed the provisions of the constitutional Treaty in 2004 for this matter (Art. 9B/TUE amending the Lisbon Treaty) limits to "influence" (a role of "decision facilitator" that should work for providing a good inter-institutional cooperation in particular by organising the European meetings). The Lisbon Treaty does not recognize the "attributions of a decision maker" of this President, but those ones of a "Chairman" (chairman of the meeting appointed to bring the opinions closer to one another and help to the establishment of a consensus). The European Council is not a "legislative institution" but a "political stimulation body". See François PRIOLLAUD, David SIRITZKY, **La Constitution Européenne.Texte et commentaires**, La Documentation Française, Paris, 2005, p. 75.

[16] Who is not mistaken for the head of an administrative body called "General Secretariat" as a body with permanent functioning and administrative attributions.

[17] However, this is why, under the Lisbon Treaty that assumed the provisions of the constitutional Treaty as of 2004 for this matter (Art. 9B/TUE amending the Lisbon Treaty), the President of the European Council looses all coordinating prerogatives over the works of the EU Council; he has no direct authority over the ministers presiding over the various groups of the EU Council anymore. The Lisbon Treaty thus establishes a "stable President fully exercising his roles without being the head of his state or a President for a quarter of the EU Council". See also François PRIOLLAUD, David SIRITZKY, **op.cit.**, pp. 75-76.

[18] However, there is a limited autonomy relation between the President of the European Council and PE (under the Art. 9B/TUE of the Lisbon Treaty), whereas PE may exercise under this article its political control prerogative: thus, the President of the European Council has to submit to PE a report following each meeting of the European Council. But art. 9B/TUE amending the Lisbon Treaty does not provide any method of making it politically responsible (the possibility to ask for the resignation of the President of the European Council) by PE.

[19] These attributions concern the external representation of the Union in the fields related to the common foreign and security policy without prejudicing the attributions of the High Representative of the Union for foreign affairs and security policy (Art. 9B/TUE according to the amendments brought by the Lisbon Treaty).

[20] The minister whose state provides the Presidency of the EU Council presides over and leads its works; establishes the priorities and agenda of the Presidency; convokes the meetings of the EU Council; establishes the provisional agenda; has the role of a mediator within the relations of the EU Council with PE and the European Commission. Cf. Augustin FUEREA, **op.cit.**, p. 55, Fiona HAYES-RENSHAW, *The Council of Ministers,* in John PETERSON, Michael SHACKLETON, **The Institutions of the European Union. The New European Union Series**, Oxford University Press, NY, 2002, p. 59, John FAIRHURST, **Law of the European Union**, Pearson Education Limited, Pearson and Longman, Essex, UK, 2006, p. 97.

[21] François PRIOLLAUD, David SIRITZKY, **op.cit.**, p. 339.

[22] **OSCE Handbook**, op.cit., p. 30.

[23] Otherwise see **OSCE Handbook**, 1999, op.cit., p. 3.

[24] Paolo PONZANO, *La Constitution Européenne: ses principaux eléments novateurs*, europa.eu.int Augustin FUEREA, **op.cit**., p. 56.

[25] Certain authors (Hayes-Renshaw and Wallace, 1997) notice the significant political role of the General Secretariat that, by its attribution of assisting the Presidency of the EU Council, takes actually part in the European decisional process and the negotiation process (through the legal services of the Secretariat). This political role can also be seen during the proceeding of an Intergovernmental Conference (Christiansen and Jorgensen, 1998). See Thomas CHRISTIANSEN, *Reconstructing the European Space: From Territorial Politics to Multilevel Governance,* in Knud Erik JORGENSEN (ed.), **Reflective Approaches to European Governance**, Basingstoke, Macmillan, 1997, pp. 149-150.

[26] Augustin FUEREA, **op.cit**, p. 63.

[27] As the states' interest for the OI' s activity grows, various roles exceeding the administrative field were assigned to the secretariats of these organisations. The secretariats are considered as representing, by their neutral position towards the divergent interests of the member states, the will of OI, as a whole. Cf. Raluca MIGA-BEŞTELIU, **Organizaţii internaţionale interguvernamentale**, Ed. All Beck, Bucureşti, 2000, p. 94.

[28] François PRIOLLAUD, David SIRITZKY, **op.cit**., p. 98. While, according to the treaties in force, the High Representative of CFSP had within this field only a general attribution in assisting the Presidency (the latter representing the European Union in issues concerning CFSP), according to art. 18/TUE, worded by the Lisbon Treaty (art. 9E/TUE), the High Representative is the one leading CFSP, contributes through proposals to the drawing up of this policy and implements it as a representative of the EU Council; may also act in a similar way as regards the common foreign and security policy; moreover, the High Representative is the one presiding over the group of the EU Council called the Council of Foreign Affairs and is also one of the Vice-Presidents of the European Commission, providing the coherence of the external activity of the Union. Thus, under art. 9E/TUE amending the Lisbon Treaty we notice a significant extension of the attributions of the

High Representative as compared to the wording of the Maastricht Treaty.

[29] Ibidem, p. 99. (see, according to the Lisbon Treaty, the double political responsibility of the High Representative of the Union for foreign affairs and security policy both towards the European Council, as intergovernmental institution, and the European Parliament for its specific tasks within the European Commission – Art. 9D/TUE and 9E/TUE).

[30] The General Secretary within OSCE acts as a representative of the President in office. The General Secretary is appointed by the Ministry Council for 3 years (while the General Secretary managing the Secretariat of the EU Council is unanimously appointed by the EU Council, having the role of assuring the proper functioning of the Secretariat; submitting to the EU Council its possible expenditures; managing the funds provided to the EU Council).Cf. Augustin FUEREA, op.cit., pag. 63. On the other hand, the role of the General Secretary of OSCE is much wider (it concerns the organisation itself, not only one of its bodies): keeping the relations with OI; internationally spreading the OSCE policy; providing the implementation of the OSCE decisions; making sure that the missions and the institutions of OSCE act in accordance with the rules of the organisation; preparing an annual report concerning the activities of the organisation etc. Cf. **OSCE Handbook**, op.cit., 1999, p. 31.

[31] François PRIOLLAUD, David SIRITZKY, **op.cit**., p. 98.

[32] Art. 97 of the UNO Charter recognizes the fact that the position of "General Secretary" has an administrative nature but, at the same time, the following articles confer it attributions with no administrative but political nature. Thus, the UNO General Secretary may draw the attention of the Security Council onto any issue that, in its opinion, could jeopardise the conservation of the international peace and security; it submits to the General Assembly an annual report concerning the activity of the organisation; may meet any other tasks assigned by the UNO bodies mentioned in Art. 98/ Charter. It may intervene in many ways for the amiable settlement of the disputes under a mandate granted by the General Assembly or the Security Council (for example, the intervention for settling the conflict between India and Pakistan/1965 or the territorial controversy between Iran and Irak/1974). Also, the UNO General Secretary also meets other specific tasks: it is authorised to start the intervention of the Security Council when this is not done by a state or a group of states; it may get involved through a preventive diplomacy in any international situation or controversy (for example, the settling of the conflict between Egypt and Saudi Arabia concerning the situation in Yemen /1963; in the controversy between Netherlands and Indonesia concerning the Western Irian /1962). Cf. Raluca MIGA-BEŞTELIU, **Drept internaţional.**

Introducere în dreptul internaţional public, Ed. All-Beck, Bucureşti, 1998, pp. 343-344. As compared to this specific role of the UNO General Secretary, the General Secretary of the EU Council, who is also the CFSP High Representative, may be regarded as a "high officer" with a political role. It does not have the "monopole of the EU representation within CFSP" yet, but is an element of the "EU Troika", proving the "international side" of the Union, against the integration side (while the latter is proved as the variant in the Lisbon Treaty, the High Representative of the Union for foreign affairs and security policy). See also Fiona HAYES-RENSHAW, **op.cit.**, p. 52, Alex WARLEIGH, **European Union. The Basic**s, Routledge, London and New York, 2004, p.72.

[33] The "CFSP Troika" exercises certain specific attributions in the field of the common foreign and security policy. Through the Amsterdam Treaty, the state that exercised the previous "Presidency" is not included in the "new Troika" any more, "while the new Troika is made up of the President of the European Commission, the CFSP High Representative and the Presidency in office of the EU, possibly with the participation of the future Presidency. Cf. Augustin FUEREA, **Manualul Uniunii Europene**, op.cit., p. 89. See also Lazăr COMĂNESCU, *Constituţia Europeană şi rolul Uniunii Europene ca actor global*, in Revista Română de drept comunitar, nr. 2/ 2004, p. 18.

[34] **OSCE Handbook**, op.cit., 1999, pp. 30-31.

[35] Pierre MATHIJSEN, **Compendiu de drept european**, translation Viorica Alexandru, Mihaela Dumitrescu, Ed. Club Europe, 2002, p. 101.

[36] Through the resolution 11 (II) of the UNO General Assembly a five year mandate was established, with possibility of a five year extension.Cf. Grigore GEAMĂNU, **Drept internaţional public**, Ed. Didactică şi Pedagogică, Bucureşti, 1981, vol. **II, p. 248.**

[37] Appointed by the member states for assuming the roles as the President of the North Atlantic Council (NAC), the Committee for defence planning, the Group for nuclear planning and other main committees. It is also the main spokesperson of NATO within the relations with the exterior and the discussions with the member states and presides over the meetings of the Permanent Council.Cf. **Manualul NATO**, op. cit., 1997, pp. 96-98.

[38] Under the treaties in force, the President of the European Council is the state or government head of the member state exercising the Presidency of the EU Council. The President of the European Commission is designated by the governments of the member states and appointed with the other members of the European Commission also by them. The CFSP High Representative is the General Secretary of the EU Council while is unanimously appointed by the EU Council. See Augustin FUEREA, **op. cit**., p. 45, 63.

[39] According to art. 36, b/Statute, the General Secretary and the Deputy General Secretary (established by the decision (49)20 of the Ministers Council in 1949) within the organisation of the Council of Europe are "appointed" by the Parliamentary Assembly. Starting with 1956, they have been actually "elected" by the Parliamentary Assembly, for a five year mandate each. Other feature that makes the General Secretary of the Council of Europe different from the CFSP High Representative is that (in spite of the incompatibility in art. 36, c/Statute), the candidates for the position of General Secretary of the organisation of the Council of Europe should actually come from the Parliamentary Assembly according to an informal agreement of the main parliamentary groups. Cf. Heinrich KLEBES, **Diplomaţia parlamentară**, Nicolae ECOBESCU, Mirela HAGIOPOL (eds), Institutul Român de Studii Internaţionale, Centrul de Informare şi Documentare al Consiliului Europei la Bucureşti, 1998, pp. 61-62.

[40] The PE role limits actually to a veto right that can be exercised on the candidate proposed by the European Council (cf. François PRIOLLAUD, David SIRITZKY, **op.cit**., *p*. 95). Under the treaties in force, the President of the European Commission must be approved by the European Parliament with the other members of the European Commission. Previously, in an initial stage, the President of the Commission should be appointed by the Council, made up of the state or government heads and approved by PE and, in a second stage, the members of the European Commission are appointed by the EU Council by mutual agreement with the President of the European Commission under art. 214/TCE, paragraph 2, amending the Treaty of Nice. The PE role can be noticed again in this procedure whereas it is the one approving the entire Commission as a college.

[41] At the same time, under the treaties in force (art. 314 of TCE; art. 53 of the Maastricht Treaty, art. 14 of the Amsterdam Treaty, art. 12 of the Treaty of Nice), neither the CFSP High Representative, nor the President of the European Commission (while there is not any permanent position of President of the European Council

as that regulated by the Lisbon Treaty) are depositories of the treaties.

[42] The UNO General Secretary acts as a depository for the amendments to the UNO Charter although the depository of the ratifications of the Charter is the USA Government; at the same time, it keeps all treaties concluded by the member states, translates and publishes them. Cf. Raluca MIGA-BEŞTELIU*, **op.cit**.,* p. 95.

[43] **OSCE Handbook**, 1999, op.cit., p. 31.

[44] **Manualul NATO**, 1997, op.cit., pp. 140-153.

[45] For example, the OSCE General Secretary whose mission is "to cooperate with the President in office, for preparing and coordinating the OSCE meetings".

[46] Raluca MIGA-BEŞTELIU, **op.cit**., p. 94. According to the art. 38/ Statute of the Council of Europe, the General Secretary submits to the Committee the requests of the Assembly that would imply expenses exceeding the amounts already recorded in the budget for the Assembly and its works. The Committee will establish the contribution of each member and associated member though; these contributions that are payable from the day of their notification by the General Secretariat, should be paid to the General Secretariat.

[47] Augustin FUEREA, **Instituţiile Uniunii Europene**, op.cit., p. 184.

[48] Grigore GEAMĂNU, **op.cit**., vol. II, p. 249, Raluca MIGA-BEŞTELIU, **op.cit.**, p. 94.

[49] In art. 18/TUE, a number given by the Amsterdam Treaty, the EU's representation in issues concerning CFSP is provided by the Presidency that is assisted by the General Secretary of the EU Council, the High Representative for common foreign and security policy.

[50] Under the Art. 98/Charter. See also Grigore GEAMĂNU, **op.cit**., vol. II, p. 249.

[51] François PRIOLLAUD, David SIRITZKY, **op.cit.**, p. 73.

[52] Ibidem, p. 76. We should notice that establishment of a sole "EU Presidency" is not expressly banned by the Lisbon Treaty.

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THE PHILOSOPHY
OF MILITARY TRANSFORMATION

Eng. Eugen SITEANU, PhD

All the elements of the military transformation such as command and control, personnel training, military structure changes, new military equipment and the human factor must be dealt within a unitary view, synchronized and integrated to obtain a synergic effect. In order to achieve the goal suggested by the 2020 Objective Force, major changes are necessary in the evolution of each military man and organization and in the way to carry a war, tactics and strategies combined to ensure the future successful confrontations.

Key-words: military transformation, informational revolution, military capabilities, action-reaction cycle, transformation process, interoperability, revolution in military affairs (RMA).

Hegel, the great German philosopher, perceived the ongoing transformation of objects and phenomena and elaborated the dialectics – a philosophical concept about the world – in accordance with Ovidiu's famous saying "Omnia mutantur, nihil interit" ("All changes, nothing disappears"). The globalization is neither exception from this rule nor the global security which had many phases: Pax Romana, Pax Britannica and Pax Americana because the world's greatest powers, the Roman Empire, Great Britain and now the United States kept changing the world order. Today, the ideas of democracy are spread through the information technology but not to all the social groups.

The international environment is also undergoing an important transformation, determining major changes in the development of the military phenomenon due to the numerous asymmetric threats, the contemporary terrorist phenomenon, of several states' effort to join the nuclear club and other phenomena. That is why the military structures are forced to transform/change/modernize their doctrines, strategies, tactics and action procedures.

The contemporary military actions are more and more complex, that is the enemies are dispersed and often mixing with the non-fighting civilian population, there are targets in living areas which imposes taking measures to avoid collateral damages, the terrorists have a great ability to adapt and mobilize and are hard to identify especially as their targets are not of great value. That is why the units and great units must be efficiently commanded with an emphasis on information management, ensure information and organizational structure. Moreover, we must analyze the possibility of using commercial means and services and study the risks of their use and also some technical problems such as: the bandwidth, the quality of the provided services, informational availability, security and integrity for all missions and users; knowledge management (all the measures encouraging their distribution in order to support the mission and users in establishing efficient decisions)[1].

Most military operations conducted in the last decades were the land ones, their characteristic being that they are based on people unlike those ones based on platforms. From the recent experience of tactical fights, with the use of current net-based capabilities appeared the theory regarding the management of information and networks specific for this level.

Hence the motives of the military transformation not only of the Romanian armed force but also the other NATO member-states.

The purpose of Romania's Armed Forces Transformation Strategy (part of Romania's Security Strategy) is to shape the Romanian military institutions in accordance with the evolution and events of the domestic and international security environment in order to discourage the threats to national security and defend Romania's interests as NATO member.[2]

The Military Revolution or the Revolution in Military Affairs has been developing for almost three decades based on new informational

technology and the USA invest a lot of money in the new technology.

The American army transformation process started in the '80s, firstly in the theoretical/conceptual domain then in testing the new concepts and weapon systems, thus materializing a comprehensive image of the Military Revolution.

As a result, following the armed conflict in Serbia (Kosovo), the European Union was aware of the huge gap between the US armed forces and the European ones and implicitly, the political and military consequences of the respective gap to the EU position in the international affairs. But most countries are concerned about this gap with the US and its consequences. This gap was discussed about by NATO countries too which analyzed its consequences and decided to adopt certain measures meant to create a unitary approach within NATO of the Military Revolution.[3]

Military transformation had become Donald Rumsfeld's main concern but his vision about a small force based on high technology fighting against terrorists in Iraq was not successful, given the difficult problems the American troops face.

Command and control, personnel training, military structure changes, new military equipment and the human factor must be dealt with in a unitary view, synchronized and integrated to obtain a synergic effect. In order to achieve the goal suggested by the 2020 Objective Force.[4]

"It seems that RMA ended before reaching very far"[5], Thomas McNaugher observed a year and a half ago.

However, as the same author wrote in Foreign Affairs Revue in January/February 2007, "the unpopular war in Iraq brought about more dishonour to the idea of transformation than it deserved"[6], because Rumsfeld's version regarding the US forces transformation lacked perspective which allowed for a very easy victory against the Iraqi troops but failed to help the American troops to leave Iraq. This doesn't mean however that RMA and the transformation mustn't go on because they can bring success to the future military actions, so that we could avoid wars or armed conflicts like those in Iraq or at least they should be better planned and conducted.

For this purpose, major changes/transformations are necessary in the evolution of each military man and organization and in the way to carry a war, tactics and strategies combined to ensure the future

successful fights and wars. If we go back in time by five century, the first technological revolution (RMA) was the one produced by gunpowder followed, successively, by the following: the first industrial revolution (steam machines, railways and machine guns), the second industrial revolution (tanks and aircrafts) and today's informational revolution. Each of these revolutions determined fundamental changes in tactics and strategy, in the way to conduct a war, organizing military structures, training and doctrines and even in military policy.

Today's informational revolution permitted the USA to be successful in the military operations after 1990 such as: Desert Storm, Enduring Freedom and Iraqi Freedom by exploiting the information technology, combining the hardware and the professional military men able to efficiently use it, their training in the real extended battle space and realistic tactical doctrines.

The big question is: how have the US forces reached such a deadlock in their fight against the terrorists in Iraq?

An answer is given by Max Boot in his book **War Made New**, where he states that "Senior leaders, such as Donald Rumsfeld, believed that the future of warfare lay in high-tech information systems, not in lowly infantry-men"[7]. In other words, the author suggests a change shifting the emphasis from IT to the infantry-men, military police and experts in civilian affairs (civilian-military relations). Let us add two more guidelines of military transformation: the ongoing improvement of military organizations (of all their individuals) and information management.

In fact, Romanian military specialists have also analyzed the American army strategic transformation (Joint Vision 2020) and the development of NATO military capabilities (in accordance with Prague Capabilities Commitments in 2002) and perceived correctly the objectives of the military forces transformation: military structures personnel, commanders and staff training, troops training, new high-tech, new military structures and new military doctrines[8].

The current military phenomenon transformation was carefully observed by Romanian military men who participated actively both in NATO multinational operations and the actions of ad-hoc coalitions and learnt valuable lessons in order to analyze the efficiency of their own military struc-

tures in the respective operations, to achieve the interoperability with the military structures of the other allied states and establishing the ways to increase the quality of our forces.

"The Forces Proposal 2006, document edited by the Allied Commandment for Transformation represented a moment of truth when for the first time it was possible to compare the realities existent in Romania's Army"[9] with NATO demands (claims) in order to reduce the gap between the US and the other NATO members regarding military capabilities. Based on the transformation strategy concept (Joint Vision 2020), the American army will achieve great progress in the field of command and control, personnel training, military structures and human factor and also in new high-tech equipment which will ensure the military capabilities necessary to efficiently counteract the security environment challenges today and tomorrow until 2020.

There must be an ongoing transformation process because military structures are forced to react to the ongoing changes of terrorist groups in order to counteract them. Within the transformation process there is an action-reaction cycle which is not new as it has characterized the military progress along the entire military history of the world.

However, the high technology of our century speeds up this standard cycle. In order to achieve successful military actions it's necessary to combine sophisticated weapons, weapon systems with a good organization, a new doctrine (in accordance with the new demands of the battle space), a perfect training of commanders and troops and an adequate leadership.

At the NATO Summit in Prague, in 2002, there were established "The Commitment Capabilities" which were confirmed in 2004 at the Istanbul Summit.

Romania's Army transformation process has several domains: 1) technology, weapon systems, doctrine, training and certification; 2) command and control; 3) logistics and strategic deployment[10].

Moreover, other measures are necessary, that is all the measures to train all the Romanian military forces to achieve the necessary level of interoperability with other NATO member states in accordance with the assumed engagements.

Thus, our forces must be able to act jointly in any kind of military operations which is hard to achieve these days.

It is known that here there are several deficiencies and sustained efforts are required in several domains such as: personnel training, new military equipment in accordance with the new NATO standards (such as the C4ISR systems) and establishing new doctrines, operational concepts and operational procedures common with those of the other allied forces.

In the first phase of the information revolution, the US military forces made progress which helped them improve the tactics, strategy and troops battle abilities. But in the next phase, it seems that Al-Qaeda has also learnt to work within the network and they were successful because they underwent a rapid transformation process. Now it's US turn again to transform their military structures, technology, doctrine, tactics, strategy and personnel training which should place them in a top position on all the levels against the terrorist groups in order to defeat them.

For this, the US must firstly transform and modernize its bureaucracy to increase its reaction speed and create favourable conditions to transform its military forces that is bureaucracy shouldn't hinder the process boosting it[11].

The good thing, regardless of the above dysfunctions, is the fact that several achievements of the information revolution can be used spontaneously by troops in the battle field without any other intervention. In fact, these benefits of high technology are happening today in Iraq; we're talking about creating web-based networks, at the unit level in order to spread the ideas, lessons and tactics within own units and subunits. These actions are partially the result of the plans established by the Pentagon because they are also generated from downwards up that is from subunits and units to greater units and strategic echelons (commandments). At the same time, these processes and actions can cause confusion at different echelons, units and commandments to the highest echelon, the Pentagon.

But the troops can always learn, be trained and be successful in operations following the studies, experiments and war games and often, the revolutionary transformations can be achieved through evolutionary cumulative developments.

We seem to witness an IT-based RMA which some consider being a precision-strike RMA.[12]

Lately, the leak of information and technology has increased exponentially due to the phenomenon

of economy and information globalization. The golden era of nuclear proliferation was during the years of bi-polarity when the states were those ones conducting and managing the nuclear proliferation process. But now, many jobless nuclear specialists can be easily recruited by terrorists or terrorist organizations which would lead to the acceleration of illegal nuclear activities.

Facing with the international terrorism and other global threats which can become catastrophic devastating conflicts leading even to the destruction of mankind, there must be a global defence which would represent an efficient, all-inclusive solution benefitting by the most modern warfare technologies.

Consequently, the states and implicitly the armies were forced to search for new ways to approach and counteract the threats to the national security as well as new doctrines, strategies, tactics and procedures. Thus, Romania's Army Transformation Strategy embodies the place, role, actions and strategies to transform its Forces in order to efficiently respond to all possible challenges.

As a part of Romania's Security Strategy, the Army Transformation Strategy has to shape the Forces' military structures depending on the evolution of the international security environment and Romania's area of interest to discourage the threats to the national security and defend Romania's interests against these threats.[13]

In this process of transformation and modernization of the Forces (land, air and navy), the main problems are: motives of transformation, the present state of forces and the transformation vision.

The difficulties during NATO multinational military operations have shown to the leading factors in Romania's Army the necessity to analyze the efficiency of their own military structures in these operations, ways to achieve the interoperability with the military structures of other NATO member states and means to increase the quality level of Land, Air and Navy Forces.

"Romania will act, through its defence policy, as part of national security, for the integration in the Euro-Atlantic and European military structures; the military organism reform in order to develop a credible modern and efficient defence ability; strengthening the civilian and democratic control of the armed forces in accordance with the democratic principles and values; consolidating Romania's status as a security generator by maintaining and improving the contribution to the regional stability."[14]

The necessity of information and the precision of knowing the battle space are characteristics of wars and conflicts ever since their apparition. The information capabilities developed and used by the US during the last years led to successful operations through their ability to share, communicate and use a large volume of information determining the changes in the organization of military structures for operations. However, there is still a difficulty in interconnecting the tactical informational networks. In some situations, in order to compensate this deficiency, the commercial capabilities were resorted to even without a prior planning. In other cases, programs were established to use these capabilities (for instance, Internet services).[15]

The information management for the command and control at tactical level must ensure the implementation of information management concepts to support and not restrict the operation; ensure an improved access to data resulted from investigation, surveillance and reconnaissance (ISR) and also to the mission plans. We must reach the achievement of sharing information and cooperation regardless of the configuration of forces' organizational structures.

The ISR component focuses on the ability to deal with specific means at tactical and operational levels as an integrated system ensuring the most efficient and timely covering of the battle area. The data obtained from ISR must be made available to both users and analysts.

The military men in the battlefield (extended battle space) depend on ISR sensors to obtain a large amount of information. Some information data from the sensors are available only after analyzing them while others require immediate access due to the critical time of the battle actions.

Therefore, delaying or forbidding the access to the ISR information has a great influence on the efficiency of their use. Implementing this capability reduces the time of mission dynamic allotting for sensors allowing thus for the reduction of the response time compared to targets with critical time.[16]

According to the cited author, *the information management* "embodies the processes of identifying, collecting, organizing, making

available and ensuring the quality and protection of information for operational use".[17]

In operations, this must refer both to the process and the organizational structure through which the military men are supported by trained specialists with adequate technical means facilitating the understanding of these informational requirements.

Today, the information management systems are not robust enough or valuable for an operation. The operation information support is made a series of connections reconfiguring themselves every time the forces in the theatre are changed. Thus, the information support must undergo "some improvements regarding:[18]

- decisional factors better and timely informed, which will ensure a greater flexibility to forces in adapting to unforeseen situations;

- improving the understanding of the situation based on multiple information sources and shared understanding;

- improved and timely planning resulting from an improved cooperation and the increase of activities going on simultaneously at several hierarchic echelons";

- improving the synchronization during the battle/operation, by improving the forces'

- coordination which could lead to more rapid and efficient operations and the limitation of fratricide.

The informational demands for operational scenarios focus on capabilities to ensure data, communications and cooperation and specific means facilitating successful scenarios. Thus, there are three central elements in all types of scenarios: information management; informational capabilities for the operation command and control; investigation, surveillance and reconnaissance (ISR). Some American analysts believe that combining these elements leads to the development of "operation informational capability".[19]

The commanders' ability to organize and manage the information and resources was limited by interdependent problems such as: clarity, access and flexibility because there is a fracture between the ability to manage the information necessary to the operation and the protection of operational information.

The informational management techniques must be developed to ensure facilities necessary to the user in order to discover data and services,

understanding and using information and the cooperation with other users.

At the same time, in the field of command and control, there are dysfunctions in the activities associated with collecting and managing information. The difficulties are in the fundamental incapacity to perceive, understand and influence some essential problems such as: bandwidth at disposal, ISR management and sharing information with the coalition partners.

There is also incapacity to access or merge ISR data (which in most cases are images from a large variety of sensors and reports due to human investigation). It is often said that "each soldier is a sensor" which has no sense until the flow of information isn't bi-directional and reports about the nature of the environment doesn't have useful information. The data collected for the land tactical forces are in themselves extremely scattered. In operations from this environment, ambiguity, vulnerability and time constraints determine the sensors to send incorrect information to commanders unlike the case of platform-based operations.

The operation informational capability, respectively the ability to manage information and sources of information supporting the commanders at all levels and in any kind of confrontation with an enemy, is achieved with the help of a system which embodies all forces and means of the informational network. It consists of the integration of means, capabilities, applications and databases working together to make high-quality and timely decisions in the battle space.[20]

It generally embodies the following elements: the execution within a staff (information analysts, knowledge managers, speciality experts); a thorough training in information management and the capabilities supporting it; specific tools, tactics, techniques and procedures for the command and control of this new capability[21], techniques and procedures which must be improved in order to keep up with the new demands of the battlefield.

The military men must be provided assistance in managing critical information because there are no efficient informational management means yet. That's why, it's advisable that this set of activities be achieved by informational analysts supervised by knowledge managers and speciality experts[22]. Therefore, we need information managers to collect, process and store information to send to

interested parties (the most recent and important information). These managers must know: the most relevant sources, speciality experts and identify the best practices which mean that they must be responsible for the quality and content of the information. At the same time, they should be consulted in order to organize the knowledge and to ensure that the collected information are systematically generated in the database. They must support the research actions in real time or almost real and establish studies and long-term predictions[23].

That's why we consider necessary the creation of three distinct levels. On the first level, there are *information analysts*, very close to military men who answer, seek for answers and anticipate the commanders' questions, operational demands and disseminate critical information to combatants both in training/rehearsal for the mission and in real time for the mission support[24]. They must be integrated in units and greater units, fully understand the unit's mission and objectives, be part of the fighting teams, have access to classified information and control the persons necessary to obtain information and execute the research. Moreover, they must release information to the press in the theatre, act as liaison officers with the coalition forces and provide the knowledge managers with analyses on the value of information and reports after the battle actions[25].

Also, knowledge managers are necessary to obtain, maintain and share operational and technical knowledge, in operation and battle to achieve the operational objectives and their exact understanding through the cooperation with information analysts and users. The knowledge managers' services must be sent to units in accordance with the changed operational and informational situation.

The speciality experts are needed for their thorough professional knowledge, to achieve studies and specific detailed analyses which should provide explanations to the knowledge manager, information analysts or users in accordance with the situation. They can be professors, researchers in national laboratories, engineers, IT specialists and military specialists. Of great importance would be achieving and maintaining a database for experts configured by using commercial equipment and technology (software which allow the users to edit an Internet site being "the simplest online database"; an Internet site based on a journal with

the users' comments focusing on special subjects; cooperation technologies allowing for the exchange of ideas, documents and data)[26].

Therefore, we must define and specify a new military speciality in the structure of staffs.

In order to thoroughly use the potential of net-based operations, the commanders must improve command and control in order to have control over information and infrastructure. Integrated in the command and control process, the informational capability helps the commanders to use the tools necessary to manage the actions (information technology, Internet, virtual reality, access to computers or computer networks, information capability management supporting operations/battle actions). For all these, there must be a sustained intellectual effort to develop the informational concepts referring to future battle/operation, commanders' training to ensure informational domination, their directing in establishing operations' concepts and emergency plans for working in poor informational networks.

In order to ensure any system's general performances, we must develop a model with additional tests and changes imposed by simulation. Then, we need the point to point testing and the technical control to achieve the technical and operational parameters and also to understand the informational management risks and taking specific protection measures[27].

The first conclusion is that it's necessary to deal with informational capability as a system's defence weapon, to ensure information for critical capabilities which must be well managed and a new strategy to implement commercial information.

Also, the military theoreticians must study the correlation between the military man and his unit in a holistic integrating way because any military man must have a purpose (otherwise that military man wouldn't be a true military man) for which he should use the power of mind, spirit and body not only for himself but also for the development of his military organization.

In a metaphysic way, this correlation can't be perceived with our senses because this sociologic phenomenon is the result of many factors, some of which are essential, others are secondary and others are insignificant. Besides the main causes determining the correlation, there are others (secondary), hard to identify and measure but whose cumulated influence (action) can determine

substantially the manifestation of the studied correlation. For instance, there is a direct but not unique link between the manning of a unit (all the people in a unit) and the results of that unit. In the military organizations, there are not only determined/determinist relationships but also functional ones when the relationships between causes and effects are univocal and are called statistic relationships described by certain statistic laws.

The term "correlation" expresses the link or mutual relationship between the characteristics of complex phenomena or processes. But the social links governing human society are not objective as the laws of nature and though this act beyond the people will.

Such an approach needs a team of researchers, thorough investigations and a long time which made us chose another way and we will use Harrison Owen's researches[28]. He stated that learning is nothing but the conscience transformation/ evolution and that's why the central role of a military organization, as a community of learning, is to facilitate this increase of conscience, both of individuals and also the collective manifestation which can be called "the conscience of the organization".

Thomas Kuhn explained his theory (Structure of Scientific Revolutions), saying that the development of science wasn't a linear process but certain changes of paradigms which should be taken into consideration both by military theoreticians and commanders and staffs.

There are two types of learning: normal and high learning with the change of paradigms. The normal learning is between two paradigms and is about understanding the concepts and theories resulting from the last paradigm.

In our approach we accepted the idea that learning is transformation, the role of learning organizations is to facilitate this transformation (evolution of conscience).

The commanders must be able to explain the steps or levels of conscience correlated with the learning process, in accordance with the development of the human spirit, respectively the military men's. Each of us has mind, spirit and conscience, which separates us from the other creatures on Earth. The military men can have team spirit and team conscience but the syntagm team spirit is more used.

Harrison Owen says that any spirit starts from the body and reaches the mind, as a manifestation of spirit where man finds the right words to define reality and to think/reason. However, in this phase, man doesn't understand everything around him as his mind has limits. To go beyond this limit, we need evolution to the next transformation of man into intellect which gives us the strength to be aware of the quality of our thinking. In fact, the intellect is the manifestation of spirit as a rational human being who meditates, reflects, exists in a body and has thoughts and also the ability to go beyond the present thoughts to an imagined future (of wisdom). In this phase of spirit as intellect, self-knowledge is present but the danger lies in the fact that we tend to stay locked in that ego – as intellect, that is we are too much in our heads at the expense of our relationship with our mind and body. In this state, man tends to separate the body from the mind and then it's very hard for him to get them together again[29].

In the phase of soul, the spirit integrates both of them (mind and body) and that's why Owen believes that the soul is the spirit manifesting as an integrator of body, mind and intellect. But he also says that this spirit (together with body, mind and intellect) should rise to the sky to become a true spirit, not limited to "here and now" and to see beyond time and space. Some call this inspiration but Owen calls it "as being anything we can be – which is spirit"[30].

That's why there is an idea that "man is not what he is but what he thinks he is". The units can be considered as an evolution/development/ transformation of the amount of information or of the spirit.

We are already familiar with the expression informational spirit but Owen introduces the expression "organizational learning as then evolution of consciousness". There is a perfect analogy between the military man's phases or states of the consciousness (spirit) and the states of the unit (military organization).

Using words to define what the military organization does, this becomes *understanding* meaning all the things are placed on the shelves and when a military man asks for a machine gun, the warehouse man *understands* and gives him the exactly what he had asked for.

In this phase, the unit doesn't understand where the machine guns come from but it will find at

once what it had been asked. All will go well as long as words coincide with the reality but when there is a change, understanding is necessary to go beyond words, to their root (in the past) and to their potential application (in the future)[31].

The proactive organizations are not only rational but also capable to plan (in an imaginary future). Through their analyses, they understand the meaning of processes, things and phenomena because they have rational managers who draft strategic plans and conceive structures. In this organizational phase, there is logic for everything and all actions and activities are logic. This organization will function very well as long as the world stays the way it was understood by the people in the organization. If the world changes, the organization's logic is meaningless, because the organization forgot about the citizens, their needs, transformation as if the organization had created the world and not the other way round. Therefore, in this phase, there are two possibilities for the organization: its development or evolution to a superior level which means interactive organization. As Owen states, this is the manifestation of the spirit which doesn't just live in a world of rationality and abstract but also interacts with the world inventing and destroying structures in order to correlate with that changing world. Thus, the organization must find a way to chose or invent, out of a possible variety, in order to interact with the world. This organization will have one more form and structure and must go on to the phase of inspired organization, where time is no longer so important and performance surpasses the technical ability which means it is *inspired*. We can see this in the performance of an orchestra when the technical skills become pure music or when a research team goes beyond its possible expectations (traditional, normal) and rises to the ideas and realities it could never imagine before. There are similar things in a military organization when the military men's technical skills raise the organization to unexpected performances and become outstanding success in the theatres. As Owen states, this is the road to be followed and we add that the process of military transformation must take this road too.

The relationship between the manifestations of the individual spirit and the organizational one is more than analogue being even correlative as Owen states. He says that we are and become what we are in direct relationship with the organizations we belong to that is, military organizations reflect the evolution of their individuals. The correlation between the manifestations of the individual and organizational level is described in Owen's table:

No.	The evolution phases of:	
	Organization	Individual
5	Inspired organization	Spirit
4	Interactive organization	Soul
3	Proactive organization	Intellect
2	Organization full of understanding	Mind
1	Reactive organization	Body

Figure 1 – Correlations between evolution levels of organizations and individuals

An organization which reached the proactive level is the familiar place for the individuals who exist at the intellect level (spiritual level of intellect). Generally, each of this organization's individuals is an intellect that is he reached the level of developing intellect. Some organizations will be challenged by an individual manifesting as soul (who reached the spirit's evolution phase corresponding to the soul), but will be drawn back by some individuals at the mind or body levels. If a military at an intellect level is admitted in an interactive organization then he will be challenges to rise at the soul level and will be helped by the organization to evolve.

Therefore, the transformation/evolution of the military organization and the individual

transformation are not in a subordination relationship but are in the correlation "both together and all at once". Discussing about the fact whether the military men should transform as individuals before they can transform their organization means to miss the essential. The essential is that military organizations and individuals will transform respectively evolve together or not at all.

NOTES:

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[3] Ibidem, p.43.

[4] Ibidem, p.42

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[8] Visarion NEAGOE, *op. cit.* , p.41.

[9] Ibidem, p.41.

[10] Ibidem, p.44.

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[26] Gruia TIMOFTE, *op. cit.,* p.45.

[27] Ibidem, p. 46.

[28] Harrison OWEN, *Learning as transformation,* http://www.context.org

[29] Ibidem.

[30] Ibidem.

[31] Ibidem.

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LES CONSEQUENCES NEFASTES DE LA GUERRE
CONTRE LE TERRORISME

Jan EICHLER, PhD

Le terrorisme international représente un phénomène complexe, omniprésent et la plus grave menace du monde. Notre réponse à cette menace semble ne soit pas cela adéquat. Les résultés désormais de la lutte ne sont pas ceux estiment lorsque la «guerre global» contre terrorisme international a été déclencher.

Donc, il faut adapter les méthodes de la lutte contre cette menace.

Mots-clés: menace, terrorisme global, réaction directe, conséquences.

Tout le monde est d'accord que le terrorisme représente la menace la plus grave et la plus inquiétante du monde au début du 21-éme siècle. En revanche, nous sommes très loin d'un consensus en ce qui concerne les méthodes la lutte contre cette menace. Il y a beaucoup de différences dans les réponses aux questions cruciales discutées á tous les niveaux: quel est le caractère de la menace du terrorisme global, quelles sont ses motivations et quelles devraient être nos réactions.

Comment caractériser la menace du terrorisme global?

D'ou vient cette menace, quelles sont ses racines et déterminantes? La première réponse a cette question nous dit qu' il s'agit des attaques des forces du Mal contre les forces du Bien, du progrès social, politique et intellectuel. Cette réponse est propre a ceux qui partagent la conviction que la fin de la guerre froide était la victoire de la „hard line policy" du président Reagan. Il est symbolique que personne d' entre eux n'est capable de donner la réponse a la question pourquoi ben Laden a pris pour sa cible les Etats-Unis quand il y a pas mal d'Etats ayant beaucoup de choses communes avec eux. Par exemple la Suède: un pays riche, très ouvert et féminisé (les femmes sont en majorité au parlement suédois), une forte industrie d'armement orientée aux exportations, et, tout d' abord un pays fortement protestant comme les Etats-Unis. La réponse est claire comme le jour – la Suède ne soutient pas l'Israël contre les Palestiniens, elle n'est pas partenaire stratégique ni de l'Arabie Saoudite ni du Pakistan, elle n'avait jamais ses bases militaires dans le monde islamique.

Quelles sont ses motivations du terrorisme actuel?

G.W. Bush, T. Blair, J.-M. Aznar, V. Havel (ancien président tchèque, un des signataires de la Lettre des Huit du 30. Janvier 2003) ou M. Heisbourg[1] partagent la conviction que les terroristes contemporains sont motivés par la haine envers les valeurs du monde occidental. Ils disent que les terroristes nous détestent pour ce que nous sommes. En revanche, Francis Fukuyama[2] John Ikenberry[3], George Perkovich[4] et les autres acceptent que les terroristes détestent l'Amérique et ses alliés pour ce qu'ils font dans le monde islamique: l'indifférence vis à vis des Palestiniens, le soutien actif des régimes autoritaires, corrompus et discrédités, les conséquences injustes de la globalisation économique et, tout récemment, l'occupation de l' Irak.

Il ne s'agit pas du tout des discussions académiques. Bien au contraire ! La première réponse reflet la conviction que le terrorisme contemporain représente une menace existentielle, une menace qui ne dépend pas de notre comportement sur la scène internationale.

D'ou vient la conclusion que le conflit entre l'Occident et le monde islamiques va durer très longtemps. La deuxième réponse est plus optimiste: le terrorisme est une menace générée par le comportement des Etats-Unis et de leurs alliés les plus fidèles. Ca signifie que cette menace peut être affaiblie sinon maîtrisée en cas du changement du comportement des ces pays dans le monde islamique.

Comment réagir?

Quelles sont les possibilités de faire face à cette menace urgente et inquiétante? Les réactions de l'Administration Bush sont des le début marquées par l'oubli ou par un non-respect de la caractéristique fondamentale du terrorisme comme une stratégie indirecte. Dans les actions des terroristes, il ne s'agit jamais d'une ligne directe comme c'est le cas d'une guerre classique ou d'un règlement des comptes entre les gangs des malfaiteurs. Il s'agit d'un triangle formé par trois acteurs principaux[5.] Le premier d'entre eux est l'expéditeur, c'est à dire l'organisation terroriste qui se bat pour une chose concrète. Le deuxième acteur s'appelle destinataire (Bush, Aznar, Blair) dont les terroristes veulent influencer les décisions et le comportement après les attaques impitoyables qui symbolisent un message catégorique et irrévocable. Et le triangle se transforme ne un carré au moment de la réaction du destinataire. Et c'est exactement ici ou résident les racines des problèmes du monde d' après 11. septembre 2001.

Réaction directe a une stratégie non directe et ses conséquences

Pour concrétiser le fonctionnement du carré de la stratégie indirecte, on peut revenir vers le 11.9. 2001. Un petit groupe terroriste a réussi à éviter tous les systèmes sophistiqués du plus fort pays du monde et de lui infliger des pertes extraordinaires et, tout d' abord humiliantes. Ce fut un message clair au chef de la Maison blanche qui s'est donné plusieurs semaines d'hésitations après lesquelles il a pris la décision de répondre directement, par des opérations militaires très spectaculaires. Si sa première réponse directe, c'est à dire les frappes contre l'Afghanistan, était légale (elle avait le mandat du Conseil de sécurité de l'ONU) et légitime (il fallait renverses un régime théocratique qui a transformé l'Afghanistan en sa base militaire et en son otage), la seconde, c'est à dire l'opération Liberté irakienne était son contraire dans les deux dimensions. A cause de ça, on peut la caractériser comme une faute stratégique avec les conséquences globales.

La réponse directe, appelée par G.W. Bush comme la guerre contre le terrorisme, a transformé l'Irak en un pays - aimant pour les islamistes les plus violents et irréconciliables du monde entier.

Et ce qui est encore plus grave, elle a transformé les pays participants a la coalition de volonté en cibles faciles des attaques terroristes. Madrid et Londres comme les mémentos très dramatiques ont de nouveau confirmé que le terrorisme n'est pas une ligne directe mais un carré. A Madrid, le 11 Mars 2003, l'expéditeur a manifesté devant tout le monde ses capacités de punir les gouvernements proaméricains et d'influencer les résultats des élections. M. Zapatero, loin d'être un favori incontestable de la campagne électorale, a gagné les élections en Espagne grâce aux mensonges colossaux de son prédécesseur et grâce à sa promise de retirer les soldats espagnols de l'Iraq occupé. Apres avoir remplacé le destinataire du message des terroristes, il a fait ce qu'il avait promis. En plus, il a changé l'attitude de son pays vis a vis du processus de l'intégration européenne ce qui a mis fin á l'existence de l'axe Madrid – Varsovie, symbole du refus catégorique de l'approfondissement de l'Union européenne. La réaction du destinataire a peut- être dépassée même les attentes initiales de l'expéditeur!

Les attaques terroristes de Madrid et de Londres ont poussé M. Christophe Chaboud[6], chef de la lutte antiterroriste en France, à une conclusion très inquiétante - la guerre contre le terrorisme a déclenché la logique du combat total de l'islamisme radical contre l'Occident, un combat qui pourrait durer des décennies. Et Lawrence Freedman[7] est encore plus dramatique quant il nous avertit que la stratégie de la guerre contre le terrorisme pourrait se solder par le déclenchement d'une guérilla de longue durée au niveau global.

La guerre contre le terrorisme déclenchée en Iraq a, donc, ouvert le front européen du terrorisme global. Elle se manifeste comme une approche énormément contradictoire.

Ulrich Beck[8] a entièrement raison quand il dit que la guerre contre le terrorisme résulte en dissémination des actes terroristes qui est accompagnée par la dissémination du terrorisme, c'est à dire la dissémination de la peur de quelque chose qui ne s'est pas encore produit mais qui peut se produire à n' importe quel moment choisi par les terroristes avides de vengeance.

Conclusion

Deux ans et demi qui se sont passés après la fin officielle de la deuxième opération militaire de la

guerre contre le terrorisme ont vu un grand échec de l'engineering social qui voulait changer l'Iraq et le „Great Middle East" á l'image de la vision néoconservatrice du monde du 21-éme siècle. Le bilan actuel de la mise en place de cette stratégie est lourd des conséquences négatives, néfastes et hautement inquiétantes. Utilisant la langue de médecins, on peut dire que la guerre contre le terrorisme, loin de résoudre les problèmes cruciaux de notre époque et de guérir ses maladies latentes, se limite tout d' abord sinon seulement aux symptômes les plus visibles et apporte de remèdes dont les effets se manifestent par la détérioration chronique de l'état de santé du malade qui n'est rien d'autre que notre planète. Le temps est venu pour faire un diagnostic complexe et pour faire des corrections substantielles dans le processus de la guérison long-terme.

NOTES:

[1] François Heisbourg, président de l'Institut international d'études stratégiques de Londres «Ils ne nous attaquent pas pour ce que nous faisons, mais pour ce que nous sommes». Le Monde, 15 Juillet 2005.

[2] Francis FUKUYAMA , *The Neoconservative Moment,* The National Interest, Summer 2004.

[3] John IKENBERRY, *The End of the Neo-Conservative Moment,* Survival, vol.46, no.1, Spring 2004.

[4] George PERKOVICH, *Giving Justice Its Due,* Foreign Affairs, July/August 2005, Vol. 84.

[5] Harry HENDERSON, **Terrorism.**

[6] Le Monde, 12.7.2005.

[7] Lawrence FREEDMAN, **Deterrence,** Cambridge, Polity Press, 2004.

[8] Ulrich BECK, *War Is Peace: On Post – National War,* Security Dialogue, Vol. 36/1.

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FROM IDEOLOGY TO GEOPOLITICS. RUSSIA'S RELATIONS WITH THE UNITED STATES IN THE POST COLD WAR ERA

Emanuel COPILAŞ

The implosion of the Soviet Union, after the East European revolutions from 1989, announced a major geopolitical reconfiguration of the world. The Russian Federation, although weaken by the tremendous ideological confrontation that articulated international politics in the second half of the last century, is eager to win back what it considers to be its rightful place on the international relations stage. Crucially for achieving this goal is the relation that Moscow cultivates with its former enemy, the American superpower. The present paper is trying to asses, focusing mainly on the last decade, the major reference points of this relationship.

Key-words: strategic cooperation, war against terrorism, hydrocarbon geopolitics, security disagreements, NATO expansion.

1. Post-imperial restructuring and hegemonic opulence. Russian-American relations at the beginning of the 21st century

In his well-known paper, **The Grand Chessboard: American Primacy and Its Geostrategic Imperatives**, Zbigniew Brzezinski identifies three stages Russia went through in the last decade of the 20th century, which have virtually represented as many remodelling attempts of the Russian state's foreign policy, both in terms of its immediate geopolitical and geo-economic priorities, but also concerning the way Russia perceived its relations with the West.

The first stage, that one of the "advanced strategic partnership"[1] implied, in Russian view, a tight collaboration with the US, in order to maintain a bipolar world order and, at the same time, to attain the American economic and financial aid for the economic, social and administrative reformations so necessary to the Russian Federation, an aid which came from an American initiative. Not being able to surpass the Soviet inertia period, Russia viewed itself in this partnership as an equal member to the US, an illusion which would be shattered by the American indecision to include Russia in NATO.

On this background of disappointment generated by the Western attitude, Russia took its bearings towards controlling the former Soviet Union area, trying to keep on its geopolitical orbit the republics which had proclaimed their independence at the beginning of the '90s. This stage, of the "close vicinity", can be interpreted as recoil of Moscow's global ambitions and, at the same time, as a reinstatement of Kremlin's disbelief towards the US. It is now that Eurasiatism is being rediscovered, a theoretical orientation which arose at the beginning of the 20th century, which imagined Russia as a "special space anchored between the two continents, but having a precise, unmistakable identity"[2], as well as having the mission to be not only a geographical, but also, cultural bond between Europe and Asia. The new Russian state failed in this stage, too, having neither the political force, nor the economic seduction needed to attract the "close vicinity" satellites.

Finally, the third stage is embodied by the attempt of making a geopolitical triangle, which would include Russia, Iran and China, in order for it to act as a counterweight to what was already beginning to be called the American "hegemony". All these stages can be perceived as a gradual amplification of Russia's enmities towards the US, enmities also fuelled by the failure of the Russian economic reforms, which have built up a sense of instability and revival of the Russian xenophobe nationalism, and by a more and more tightening American presence in former USSR's geopolitical area. This third stage seemed to have reached

its end after the 9/11 terrorist attacks. At that time, showing a great presence of mind and real diplomatic aptitudes, Putin stated his solidarity, sympathy and support towards the American people, being the first head of state to contact President Bush jr. after what had happened.[3]

2. The global campaign against terrorism and the new geopolitical consonance between the former protagonists of the Cold War

There have been a series of conclusive motifs which gave the Russian President's gesture consistence. One of them would be the ideological threat that the Islam poses on the former Soviet republics from Central Asia and the Caucasus, as well as the risk of geopolitical destabilization of the ex-Soviet area: "For ten years (1992-2002), the former Soviet republics of Central Asia, some of them still being tied to Moscow by defence agreements, were the targets of some attacks carried out by Islamic movements, which, starting with the 1992, have tried to take advantage of the ideological void left by the dissolution of the Soviet Union, by replacing the late communist doctrine with a religious base. (…) The agitation spread all the way to the Caucasus, where Wahhabi[4] groups, propped and trained by Bin Laden's networks, tried to bring into existence an Islamic Emirate..."[5]

The wars in Chechnya have been another determinant for the Russian-American closeness. The first conflict with the Caucasian republic began in 1994, after a dispute concerning the building of a pipeline which would have transported petrol from the Caspian Sea, conveying through independent Chechen territory, westward.

Moscow already held the geopolitical advantage of controlling the access to the important energetic resources of the Caspian perimeter, most of the deposits being on former Soviet republics' territory; any transport routes of the Caspian hydrocarbons towards Europe or the US would convey through Russian Federation territory, which could, in turn, gain consistent taxes and, implicitly, derive political benefits from this favourable geo-political positioning. But there were no advantages when it came to Chechnya. The small Caucasian state had proclaimed its independence in 1991 and, although considered illegal by Moscow (Chechnya was not considered by the Russian Constitution to be a completely free federal republic, having the right

of secession), nothing was actually done in order its annulment.[6]

The first Russian-Chechen war began in 1994 and ended in disappointment for the Russian part. The Peace Treaty of 1996 provided Chechnya, whose independence was still not recognized (this having to be decided in an ensuing 2001 referendum), with reconstruction aids and the payment of a substantial tax (over 90 million dollars per year), which would have been paid by Kremlin for the pipeline's (which thus remained under Russian possession) conveying through Chechen territory.[7] Instead, Chechnya had to assure political stability and the safe-keeping of the petrol transport network; Russia's necessary motivations for re-engaging the warfare in 1999 were given by Chechnya's failure to comply with the agreement and by its bellicose behaviour towards a neighbouring republic.[8]

The Prime Minister Vladimir Putin was the main political supporter of the Russian-Chechen warfare re-engagement. The remembrance of the 1996 failure afore the small Caucasian republic combined with the necessity of stabilizing the area in order to make it profitable from an economic point of view have led to this decision.[9] Kremlin has justified the re-emergence of the conflict, advocating that the Chechen oil mafia massively contributes to the financing of terrorist activities, the escalation of criminality and the political destabilization of the area.[10]

The 2001 attacks against the US, as well as the campaign against terrorism launched afterwards, gave the new Russian President an unexpected opportunity to continue the war in Chechnya under the guise of an antiterrorist fight. Moreover, Russia could profit by its circumstantial alliance with the US to benefit by the latter's military and logistic expenses, thus being able to pinch and scrape a little.[11] Brzezinski opines that Moscow had presumed other advantages that could have come from the Russian-American partnership, such as: re-enforcing its own position in relation to that one of Beijing's, a more and more important geopolitical player on the Eurasiatic arena, the possibility to widen its influence in the former Soviet area and, the last but not the least, having the opportunity to re-channel the traditional Middle Eastern hostility towards Russia in US's direction.[12]

Cutbacks of the hydrocarbons' exploitation costs by co-opting the US and the opportunity of

attracting Western funds have represented other reasons identified by Putin in favour of the Russian-American closeness. The US' and the Western world's advantages would have been in turn substantial: "Practically, Russia could have helped the Western countries in two ways: preventing the OPEC countries to dictate the rates, in order to maintain the petrol at a reasonable price, and freeing the US by their strong dependence on the Gulf monarchies."[13]

Putin allowed the placement of an American military base in Uzbekistan[14] and abandoned "the naval base in Cam Rahn" (Vietnam), as well as "the important listening station in Lourdes, Cuba, two remnants of the Cold War"[15], in order to yet again highlight his firm desire for a durable partnership between Russia and the US. This partnership could represent, dependent on American reciprocity, just an initial phase in a more ample geopolitical process: "Other more important ways of Russian cooperation with the antiterrorist fighters are possible. The ampleness and nature of this operation will depend directly on the general level and the quality of our relations with these countries, as well as on the mutual agreement in fighting international terrorism."[16]

Ultimately, for Pierre Lorrain, a final factor that helped the former Cold War protagonists come together after 2001 resides in Vladimir Putin's European formative experience and in his pro-Western attitudes.[17] Even if Putin has got an affinity or not with the European culture, in particular with the German one, his option to boost the relationship with the West "has been taken on the basis of realism, pragmatism and mutual interest."[18] The former KGB agent regrets the disassembly of the Soviet Union, which he considers being "the worst geopolitical catastrophe of the 20th century"[19], and hopes to bring back Russia in the international foreground.

As we will try to demonstrate in this paper, this desiderative represents the main driving force of the Russian foreign policy from the beginning of the 21st century.

3. The Second Gulf War and the dismantling of the Russian-American alliance

2003 can be considered the year that marks the fracture of the partnership between the Russian Federation and the US, at the same time with a pronouncedly estrangement between them. What could be the cause of this new political turn?

The main reason of this denouement is represented by the impossibility of reaching an agreement concerning the Iraqi problem and the US' "unilateral" decision of starting a second Gulf war before acquiring the consent of the rest of the other permanent members of UN's Security Council.[20] The relation between Washington and Saddam Hussein had been stressed ever since the end of the 1991 conflict, with a clash point in 1998. Once Iraq had been declared by the Bush administration, after 2001, as the leading nursery for world terrorism and the American community had been made respondent to accepting and supporting this type of discourse via the media[21], the difference between the American perception and the Kremlin one and some important European Union states began to amplify. "In the early 2003 spring, Russia, in an alliance with France, firmly opposed the American resolution presented at UN, which led the way to war in Iraq."[22]

Moscow's position seemed at least unusual in regard to the diplomatic efforts that had been carried out in the last years in order to strengthen the Russian-American partnership; it seems that Putin decided on this solution believing, among others, in the predictions some American analysts gave, which had anticipated a long-lasting conflict with Iraq, also very expensive and susceptible for unleashing "the Islamic world explosion."[23] However, the American analysts' opinion had little to do with the Kremlin's leader decision in proportion to the electoral motivations which have underlain this gesture. "A thorough study revealed the total hostility of the Russian vox populi (over 90%) concerning the use of force in Iraq. In the offing of presidential elections from the beginning of 2004, Putin decided not to stir a commotion, thus he managed to avoid fuelling the common people's anti-American feeling."[24]

The same stratagem also had visible results in the legislative elections of December 2003, when "the presidential party", United Russia, made a clean sweep and, by co-opting the nationalist forces, have managed to politically marginalize and lapse both communist and liberal blocks.[25]

Besides the electoral arguments that fuelled the Russian-American geopolitical parting, there were also factors of an economic (Moscow's interests regarding this country's oil resources date back

to the Soviet era; at that time, the weapons sales to Iraq also represented an important income and political influence for Kremlin)[26], demographic and geopolitical nature. "Russia's involvement in any campaign against Iraq risked having repercussions from its own population of over twenty million Muslims – even if mostly laic. Iraq also had an important role to play in the Middle East, as one of the few areas in which Russia still had some diplomatic power, although mostly symbolic."[27]

Although hostile to conflicts, Moscow manifested a certain precaution in expressing any disaffection, avoiding boycotting the American plan within UN's Security Council by veto. The Russian fears included the possibility that other states partisan to this method would abandon at the last moment, thus leaving Russia "exposed", but also the possibility of crippling the influence that the UN still had in relation to the American giant. After the Soviet breakdown, new Russia's position as a permanent member of the Security Council reflected a pronounced discrepancy regarding its real geopolitical influence and position. The Russian Federation could not compare itself in economic and politic terms with the late USSR, whose place within the Council it had taken over since 1991 and, therefore, it was not willing to risk its over disproportionate influence it still had within the UN.[28]

Nevertheless, the bilateral relations between the two states had not yet reached a dramatic point. In May 2004, Presidents Bush and Putin signed *The common declaration over the new Russian-American strategic relationship*, whereby the common interests and priorities were once again stated.[29]

The arguments by which Putin gesture to continue were subtended, despite the new dissensions, in Moscow's politic of rapprochement with Washington, consisted of the mitigation of the economic, demographic and ideological threats that the Islamic World exerted on Russia's Southern borders, as well as China's intimidating ascension in world politics and economics. Having an economy five times more powerful and a nine fold population (the demographic discrepancy especially tends to come by new outlines, China's population being in a continuous rising in comparison to Russia's annual demographic downfall of 700 000 up to 900 000 of Russian ethnics starting with 1999)[30], a Russian-Chinese

alliance at the beginning of Putin's second mandate "would have meant subordination" for Moscow.[31]

However, a few years later, the strategic Chinese-Russian partnership, although far from outshining the Russian-American one, becomes a variable more and more important in the Eurasiatic geopolitical equation.

4. The Russian offensive and the American drift: the amplification of the parting

As Washington's foreign policy encountered more and more difficulties in Iraq, Kremlin's sanctions, doubled by a restless economic growth, became increasingly firm. Having been accused of acting without taking into account its partner's opinions and interests, of imperialism and of trying to destabilize from an economic point of view the former Soviet area, and especially Central Asia[32], the US replied by harshly criticizing what they perceived as Russia's "re-Sovietization" or "neo-Sovietization", but also the geo-energetic blackmails the latter imposed frequently on the former Soviet republics in Eastern Europe which sometimes exhibited a (pro-Western) disobedient behaviour. Moreover, Europe's energetic fragility and its progressive dependence on Russia's gas[33] meant a new worrying factor for the leaders at the White House.

Although only truly visible since 2003, the Russian-American dispute in the new millennium is placed by Andrew Jack two years earlier, namely shortly before the terrorist attacks of 9/11, when George Bush Jr. announced that the US is withdrawing from the ABM (Anti Ballistic Missile)[34], a treaty against nuclear proliferation signed by 68 states in mid Cold War (1968)[35]. Not having any influence on the American nuclear actions, Moscow's geopolitical insecurity started to gain proportions.

The years that followed witness the downfall of the Russian-American relationship. The Shanghai Cooperation Organization, founded in 2001 and having as main protagonists Russia and China, besides Uzbekistan, Kazakhstan, Kyrgyzstan and Tajikistan, gains an increasingly large importance for Kremlin. Moscow's Asiatic reorientation corresponds with the elimination, in the same year, of American military bases from Central Asia. Thus the US military base in Uzbekistan, to which Putin agreed in 2002, was being liquidated.[36]

During the G-8 reunion in 2006 at Strelna, near St. Petersburg, when Russia presided over the organization it had been a member of since 1997, Putin did not hesitate to show off his country's geo-energetic capacity, the Russian main economic and infrastructural resort in the new millennium. Moreover, he asserted that Russia had been neglected as a front-rank partner in solving the main world security problems, considering it had the world's largest nuclear arsenal. "G-8 is a club concerned (…) primarily with security problems. Can anyone imagine solving the world's nuclear security problems without the participation of the most important nuclear power in the world – the Russian Federation?"[37]

The American initiative to build an missile defence system which would transit Poland and the Czech Republic and Moscow's retreat from the Treaty on Conventional Armed Forces in Europe as a reply to the US's strategic plans in Central Europe[38] have represented the most important geopolitical events of 2007. The main architect of the missile defence system, the former State Secretary Donald Rumsfeld, foresaw the emplacement of "10 ground-based interceptors in Poland and (…) a radar station in the Czech Republic."[39] The US justified the existence of this military system by its intended purpose in fighting off North Korea's or Iran's potential military attacks or an eventual nuclear terrorist attack coming from the Middle East. Russia was being invited to share the new vision on security in the Eurasiatic area, but this never happened. On the contrary, Kremlin felt threatened by the American military project, regarded as directed towards Russia rather then to the terrorist threat. Putin's first reaction was extremely harsh, warning with the introduction of military missiles in Kaliningrad. Afterwards, the Russian leader edulcorated his position, proposing his American counterpart the use of the anti-nuclear radars from Azerbaijan and Southern Russia in return for abandoning the emplacement of the missile defence system in Poland and the Czech Republic, without obtaining the desired result. The American refusal of taking into account the Russian proposal concerning this matter led to a new tensioning of the bilateral relations, which ended up in a series of very combative statements the Kremlin made and a comparison of the present situation with the 1962 Cuban Missile Crisis: "At the European Union-Russia Summit in Portugal, in October 2007, Putin brought up the Cuban Missile Crisis from 1962, observing that the emplacement of offensive missiles in Cuba by the USSR had been a direct answer to the US's emplacement of missiles in Turkey, implicitly threatening a similar Russian outcome directed toward the installation of BMD (ballistic missile defence) in Central Europe."[40] In the end, the dispute remained without a solution, leading to the Russian Federation's retreat, at the end of 2007, from the Treaty on Conventional Armed Forces in Europe.

If we were to enumerate succinctly, for the period 2003-2004, the main sources which have fuelled the geopolitical disjunction between Moscow and Washington, these would be: the unwillingness towards the missile defence system in Central Europe, the Romanian-Bulgarian-American negotiations regarding the establishment of military bases at the Black Sea (which would allow the US to position itself near the turbulent Middle East, but also near the precious energetic resources of the Caspian Sea, which are of essential interest to Russia, too)[41], NATO's delay in giving a proper solution to the conflict in Kosovo, the continuous American interventions in Georgia and Moldova's domestic policy, which supported the opposition against the governments backed up by Kremlin, and, last but not least, the more and more fierce critics on the democratic deficiencies that characterized Putin's second mandate. Subsidiarily, Moscow's enmity was fuelled by "general belief that Russia did not receive anything important in turn for its help given to the US after 9/11."[42]

To these disputes, the few tangents between Russia and the US's foreign policy seem almost marginal: counterterrorism, NATO and Kremlin cooperation, nuclear non-propagation problem, the potential threat represented by the political regimes in North Korea and Iran.[43] The contrast in foreign policy between the former enemies in the world is inflamed by Russia's continuous rise on the international scene, having in the background the solid economic advantages due to the enormous hydrocarbon deposits it possesses, in combination with extreme downfall of American international prestige once the second Gulf War had started. Russia's geopolitical influence and power (except its nuclear capacities) are in direct ratio with the rise of natural resources' price, a geo-economic trump which is being capitalized in full by "the third Rome".

5. Hydrocarbon geopolitics and Kremlin's energetic arsenal [44]

The basis of the Russian Federation's present economic and geopolitical growth resides in its immense natural gas and petrol resources. In the proximity of its borders, meaning in the former Soviet area, there are also important hydrocarbon deposits. These make up the subject of an intense dispute with the US, an economic presence more and more acute in Central Asia and the Black Sea area, which massively supports the former Soviet republics' attempt to free themselves from Moscow's tutelage.[45]

According to the discoveries made in the early 1990s, the area between the Black and Caspian Seas contains oil fields, superior from a quantitative point of view to those ones in the Middle East.[46] The main exploitation possibilities of these resources belong to Russia, because they are located in its traditional sphere of influence; however, the US and, timorously, the EU are trying to penetrate geo-economically this area, in order to ensure, as much as possible, their energetic independence. The oil price is growing exponentially on the world's market and that of natural gases follows; due to its monopole, Moscow has the has the advantage of dictating arbitrarily the hydrocarbons' price, especially that of natural gases, thus contributing in creating a fearful geopolitical climate for Europe, who is very vulnerable when it comes to this matter, being *de facto* energetically dependent on Russian Federation. This is a situation that Kremlin is trying to exploit politically, at the same time being highly vexing to Washington, who denounces the Russian energetic politics as an instability factor throughout Eurasia.

In the future, the US and the EU could turn to Kazakhstan as an alternative to the Russian hydrocarbons, this country holding great quantities of natural resources. Even if the former Soviet republic has a Russian minority of over 40% of the population and a pro-Russian political orientation, the chances of a partnership with the West are not to be eliminated. Other states that are to be taken into account in the West's energetic conflict with Kremlin are Turkey and Azerbaijan, countries with which Europe and its American ally have a favourable relationship, but which can be improved upon, especially since Turkey is gaining up on the Russian Federation regarding hydrocarbons.

A potential partnership regarding the gas trade between Russia, Algeria, Iran, Turkmenistan, Lebanon, Uzbekistan and Kazakhstan, named "a gas OPEC"[47], would include the European continent in a geopolitical "hook", amplifying at the same time Europe's energetic dependence on the "Eastern colossus".

If the frictions between the US and the EU on this matter will continue, it is likely Russia will, in the future, favour the transport of hydrocarbons in China. The latter's economic ascension opened its geopolitical tendency, Beijing being, as of now, an essential partner to Moscow in Central Asia. Likewise, India is an ascending power, which means that its energetic consumption is also growing. However, it is hard to believe that Russia will develop a substantial geo-economic relationship with China to the disadvantage of collaborating with the European Union or the US. The latter is simply too powerful and important from an economic point of view even for any potential Eurasiatic coalition between Russia, China and India. Also, the possibility that the Russian "energetic weapon" lost its power is not excluded "due to the demand of power needed by Europe's, but especially India's, economic growths", Moscow could end up not being able to rise the extraction volume of these resources needed to satisfy the growing rate of demand.[48]

6. Post-Soviet Russia and the North-Atlantic Alliance: the prerequisites of a new "Cold War"?

NATO has been, from its beginning, in 1949, a military alliance meant to counterbalance any attempt of the Soviet power to manifest an aggressive behaviour towards the European area. After the end of the Cold War, the existential rationalities of the Treaty have been re-evaluated and readapted to the new international context. Although sometimes it was said that the transatlantic partnership has met its geopolitical objectives – meaning the neutralization of the Soviet threat – and, therefore it should be dissolved, "the new strategic concept", adopted in December 1991, stipulated the following: "The danger of a massive attack stopped being the central focus of the Alliance's strategy. At present, the risks come from the instabilities that derive from Central and Eastern Europe's economic, social and politic

difficulties, which can generate conflict involving allied countries. The Alliance's objectives still are to inshore a long lasting and just peaceful order in Europe."[49]

After 1991, NATO is no longer an organization mainly centred on military problems. Its main focus is set on political (assisting the incipient democratic process from Central and Eastern Europe), economic and social aspects. These results also from the adherence criteria stated in 1995, which stipulate foremost that the potential new members must be democratic states based on a market economy, which respect human and minority rights, which do not have any territorial disputes with the neighbouring countries and, lastly, which have military resources and the capacity to have them made compatible with those of the Alliance.[50]

The dispute regarding NATO's expansion towards the East has held a central place on the international agenda of the 1990s, still remaining an extremely controversial subject. The expansionists argued that in this way the conflict in former Yugoslavia will meat an efficient solution or that the Alliance could assist the process of historical reconciliation between the reunified Germany and post-communist Russia. The latter had to participate in creating a common security architecture together with NATO in Europe; however, there was no certainty that the Russian authoritarianism no longer existed, and a recurrent aggressive and inclined towards imperialism Russia could be counterattacked most efficiently by a vigorous transatlantic partnership anchored in a central-European space, a place where the geopolitical void left by the downfall of communism could fuel new expansionistic drives, both of Germany's and Russia'. The expansion opportunity is facilitated also by the political mutilation in which the new Russia resides, therefore an aggressive reply coming from Kremlin relative to NATO's presence in Central and Eastern Europe would be highly unlikely.[51]

But, more importantly, "NATO's expansion must not (…) be appreciated as Russia's defeat; on the contrary, it should be viewed as a major step made in the direction of true pan-European reconciliation. Russians must be convinced that NATO and the EU's expansion are historical open processes, without geopolitical and duration limitations."[52]

However, the Alliance expansion's challengers claimed that the existent strategic circumstances in Europe do not require NATO's expansion. On the contrary, this would be "counterproductive", since it would cause a reciprocal answer coming from Moscow, which, feeling threatened, could aggressively retort to NATO's infiltration in its geopolitical aerial, giving way to a new arms race. The Treaty on Conventional Armed Forces in Europe (from which Russia withdraw in 2007) is a security matrix sufficient for now for the European continent.[53] Contrariwise, Moscow should be assisted economically and the US should manifest towards it with an "including" attitude, just like it had in 1945 for Germany and Japan, rather then an "excluding" one, which would only result, sooner or later, in a comeback of hostilities. Spreading under the pretext of a Russian threat, NATO guides just to an actual creation of such hostilities, by the concern and resentments it generates in Kremlin[54].

At the beginning of the '90s, the relations between the North-Atlantic pact and Russia were not as rigid and tensed as they began to be after 1996. Boris Yeltsin flirted with the idea of having his country integrated in the North-Atlantic structures. He "sent a message to the first Council reunion of the North-Atlantic partnership, from December 1991, in which he stated that becoming a member of the North-Atlantic Alliance had been a long term objective of his country."[55]

The cooperation between the two parts has known an ascendant route, reinforced in 1994 by a decision to intensify a dialogue in several areas and materialized in 1997 by signing, in Paris, the *Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation*.[56] This act stipulates that the relations between the two countries are no longer based on enmity, like in the Cold War era, but on consensus and necessity to identify a new strategic equation from which they could both gain.

In order to calm Moscow's fears, the Alliance claimed it did not intend to develop any nuclear weapons on the new member state's territories (Poland, the Czech Republic and Hungary had received in that same year an adherence invitation, following to be integrated in the Atlantic structures in 1999)[57].

However, NATO's expansion in the Eastern European area and its advancement towards the

ex-Soviet one has primarily led to the recovery of Russian traditional aversion towards the West.

During the Kosovo crisis (1999), this aversion reached alarming levels, Kremlin insistently opposed NATO's participation in the region's peace-making, mainly because of two reasons. The first one has a cultural-historical nature and consists of the protector role Russia held over the Balkan Slavs, ever since they were part of the Ottoman Empire. The second reason is a political one. Kosovo's independence, Russia claimed, would have created a precedent which would have stirred the separatist movements in Chechnya and other parts of the Russian Federation with a high level of political and cultural autonomy and thus it must have been avoided with all costs.

After 2001 and President Putin's seizing upon the opportunity to rally with the US in the world's campaign against terrorism, a new closeness arose, apparently more long-lasting, between Russia and NATO. The geopolitical revilement is institutionalized by the creation, in 2002, of the NATO-Russia Council, superior from the point of view of decisional weight that Russia held in matters of the North-Atlantic Alliance to the Founding Act. The latter would only represent an ''informing body'' placed at Moscow's call concerning the propositions and elections NATO issued and which Kremlin could not in any way influence. The new Council gave Russia "the same rights and prerogatives" the other Alliance members have.[58] "After this new and extended partnership was sealed, the North-Atlantic Alliance could no longer make decisions in matters such as the fight against terrorism, handling international crises, the proliferation of weapons of mass destruction (or) the control of weapons without having Moscow's consensus."[59]

The Iraq conflict and the 2004 expansion of the Atlantic pact (Bulgaria, Romania, Slovakia, Slovenia, Estonia, Latvia and Lithuania) have revived Russia's anxiety concerning an American geo-strategic intrusion in its sphere of influence. The 2007 events – the missile defence that required transiting Central Europe and Moscow's withdrawal from the Treaty on Conventional Armed Forces in Europe as a protest against this initiative – have weakened even more the functionality the Council might have had.

Once with the Russian authoritarian foreign policy, the NATO-Russia Council started to be perceived as a veiled attempt to coerce and diminish Moscow's foreign policy options in Eurasia, as well as a potential form of pressing for the acceleration of domestic reforms in Russia[60]. On the other hand, the new body is challenged also by Kremlin's foreign policy critics. The Council, by the decisional constitutive role it gives the Russian Federation in internal deliberations, "risks to subvert [its] cohesion". NATO, a more and more internally fragmented partnership (proven abundantly in Bucharest, in April 2008), risks becoming by *de facto* co-opting Russia in the decisional process, an Alliance divided "in competitive blocks."[61]

The recent NATO summit, in April 2008, in Bucharest, confirmed the descendant slope on which the relations between this institution and Russia have entered. The Alliance's proposal to start negotiations for the adherence not only with Croatia, Macedonia and Albania, but especially with Georgia and Ukraine bothered Kremlin the most. As a consequence, the invitations for Georgia and Ukraine have been temporarily suspended, which reflects a reinforcement of Russia's geopolitical capacities in the Eastern Europe. The highly aggressive diplomatic tone used by Moscow, which did not hesitate to use threats such as placing "energetic weapons" near Ukraine's Western borders, denotes a new and, probably, durable unfriendliness towards NATO and its main pillar, the US.[62] Besides the very combatant rhetoric, Putin's message in Bucharest was loud and clear: on the whole, Russia is a factor of prime importance in Eastern Europe and Eurasia's security. Minimizing or excluding it from the North-Atlantic structures will lead to unpleasant consequences for both parts. Putin's position respective to this matter has been made clear for some time now: "…I do not see any reason which could prevent the development of Russian and NATO collaboration. However, only on our own terms in which we are considered equal partners."[63]

7. Conclusions

Though tensioned, the actual relation between Moscow and Washington has not yet reached a critical point. Its amelioration depends on the will, diplomatic abilities and nevertheless the empathy of the participants. However, any serious effort to

overcome the present state of events coming from the United States should take into account the manner in which Russia conceives its security, and how important is the 'near abroad' in this strategic equation. On the other hand, Russia should not forget that it is not the Soviet Union, even if it demands to be treated in that manner. In the near future, the Russian-American relations will probably remain on the same coordinates, but it is up to each state to understand and cope with the other one's interests in order to achieve, as much as possible, an efficient and rewarding cooperation.

NOTES:

[1] Zbigniew BRZEZINSKI, **Marea tablă de şah. Supremaţia americană şi imperativele sale geostrategice**, Univers Enciclopedic, Bucureşti, 2000, p. 113.

[2] Paul DOBRESCU, Alina BÂRGĂOANU, **Geopolitica**, Facultatea de comunicare şi relaţii publice „David Ogilvy", SNSPA, Bucureşti, 2001, p. 132.

[3] Pierre LORRAIN, *Incredibila Alianţă Rusia-Statele Unite*, Editura Ştiinţelor Sociale şi Politice, Bucureşti, 2004, p. 26.

[4] An 'orthodox' Sunnite sect, which appeared in the 18th century in Saudi Arabia, based on 'strict appliance of the Coranic law'. Ibidem, p. 21.

[5] Ibidem, pp. 20-21.

[6] Ibidem, p. 267.

[7] Ibidem, pp. 271-272.

[8] Ibidem, p. 274. Laura Sitaru argues that, besides geo-economical motivations, Russia reopened the war with Chechnya also for political and propagandistic reasons, creating a 'permanent enemy' in order to justify 'the democratic drifts of Moscow's power'. *Musulmanii ceceni sau necesitatea inamicului intern*, in Revista de politică internaţională, anul I, nr. 3, 2006, p. 39.

[9] Zbigniew Brzezinski appreciates that, between 1999 and 2003, over 200 000 Chechens had lost their lives aa a result of the 'brutal repression campaign' initiated by Vladimir Putin. **A doua şansă. Trei preşedinţi şi criza superputerii americane**, Antet, Bucureşti, 2007, p. 135.

[10] Nina KULIKOVA, *Chechnya, oil and terrorism (economic aspects),* in Russian Analytica, volumul 3, decembrie 2004, pp. 107-112.

[11] Pierre LORRAIN, **op. cit.**, p. 21.

[12] Zbigniew BRZEZINSKI, **Marea dilemă. A domina sau a conduce**, Scripta, Bucureşti, 2005, p. 101.

[13] Ibidem, p. 281.

[14] Ibidem, pp. 40-41. In 2005, the military base will be closed because of the new dissensions emerged between the former protagonists of the Cold War.

[15] Ibidem, p. 284. These measures have tensioned the relations between the president and the Duma, most members of this organism having conservative, anti-American orientations.

[16] Official statement of the Foreign Minister of the Russian Federation, 2001, apud Pierre LORRAIN, **op. cit.**, p. 41.

[17] Ibidem, pp. 16-17.

[18] Andrew JACK, **Rusia lui Putin. Toamna oligarhilor**, All, Bucureşti, 2006, p. 228.

[19] Nicolae FILIPESCU, *Democraţie suverană în Rusia*, in Revista 22, anul XV, nr. 917, October 2007.

[20] Actually, Putin begun the denunciation of the 'unilateralism' practiced by the United States since 2000, accusing them of trying, trough globalization, to obtain a higher economical and political control over the international relations. The result consists in a geopolitical lack of balance at a global level, which must be struggled against trough the construction of a 'new international security configuration'. Janusz BUGAJSKI, BUGAJSKI, **Pacea Rece. Noul imperialism al Rusiei**, Editura Casa Radio, Bucureşti, 2005, p. 294.

[21] Nicolae FILIPESCU, *Propagandă şi credibilitate*, in Revista 22, anul XIV, nr. 692, June 2003.

[22] Vladimir FEDOROVSKI, **Istoria Kremlinului de la Ivan cel Groaznic la Vladimir Putin**, Lucman, Bucureşti, 2004, p. 196.

[23] Ibidem, pp. 197-198.

[24] Ibidem, p. 196.

[25] Ibidem, pp. 198-199.

[26] Andrew JACK, **op. cit**., p. 251.

[27] Ibidem, p. 251.

[28] Ibidem, p. 256.

[29] Zbigniew BRZEZINSKI, **Marea Dilemă**..., p. 99.

[30] Milan N. VEGO, *Russia and the return of geopolitics*, in Joint Force Quarterly, nr. 45, 2007, p. 12.

[31] Zbigniew BRZEZINSKI, **Marea Dilemă**..., p. 99.

[32] Olivier ROY, **Noua Asie Centrală sau fabricarea naţiunilor**, Dacia, Cluj, 2001, p. 278.

[33] The American geostrategist Bruce Jackson estimated in 2005 that, until 2020, the West will import around 70 % of its energy from Russia and the ex-Soviet space. Tatiana NICULESCU, *Negocieri privind bazele militare de la Marea Negră*, BBC Romanian. com, October 2005.

[34] Andrew JACK, *op. cit.*, pp. 253-254.

[35] Paul CLAVAL, **Geopolitică şi geostrategie. Gândirea politică, spaţiul şi teritoriul în secolul XXI**, Corint, Bucureşti, 2001, p. 120.

[36] Filon MORAR, *Relaţia ambivalentă SUA-Rusia (II). Revigorarea din epoca Putin*, in Revista 22, anul XV, nr. 910, August 2007.

[37] Vladimir Putin, apud. Zoe PETRE, *Strelna 2006 şi viitorul Rusiei*, in Revista de politică internaţională, anul I, nr. 3, 2006, p. 81.

[38] Created in 1990 as a result of the negotiations between NATO and Warsaw Treaty Pact, the European Conventional Force Treaty was meant to balance the military potential of all the European states in order to avoid any surprise-attack or any 'far reaching offensive activity', and also o settle 'equal ceilings for the most offensive terrestrial weapons and fighting plains'. Maurice VAÏSSE, **Dicţionar de relaţii internaţionale. Secolul XX**, Polirom, Iaşi, 2008, p. 124.

[39] Igor ANTONOV, *Rusia vs. America: o nouă cursă a înarmărilor gata de start?*, in Politica externă, nr. 53, 2007, p. 3.

[40] Ibidem, p. 4.

[41] Horia Barna sustains that the Russian-American disagreement over the energetic resources from the Caspian space and Central Asia could have as a corollary the emergence of a new 'Cold War'. The hypothesis is backed up by the unstable situation taking place in Kosovo, a 'country' which Moscow does not recognize, and also by the strategic dispute over the missile defence system, which is supposed to be placed in Poland and the Czech Republic. *Încălzire globală şi un nou „război rece"*, in Idei în dialog, year IV, nr. 8 (35), August 2007.

[42] Andrew JACK, **op. cit.**, p. 253.

[43] Filon MORAR, *Relaţia ambivalentă SUA-Rusia (I)*, in Revista 22, anul XV, nr. 909, August 2007.

[44] This part is based on the analyses that I developed in the article *Geopolitica Rusiei în spaţiul pontic, după 1989*, published in Geopolitica, year V, nr 24 (4/2007).

[45] An example regarding this matter can be found in the Baku-Tbilisi-Ceyhan pipeline (Azerbaijan-Georgia-Turkey), built in a great extent with American funds. Svante E. CORNELL, Mamuka TSERETELI, Vladimir SOCOR, *Geostrategic* implications of the Baku-Tbilisi Ceyhan pipeline, în Frederick STARR, Savante E. CORNELL, The Baku-Tbilisi-Ceyhan pipeline: oil window to the west, Central Asia-Caucasus Institute & Silk Road studies program, Washington, 2005, p. 18, http://www.silkroadstudies.org/BTC.htm

[46] Zbigniew BRZEZINSKI, **Marea tablă de şah.**.., p. 141.

[47] Cristian BĂHNĂREANU, **Resursele energetice şi mediul de securitate la începutul secolului XXI**, Bucureşti, Editura Universităţii Naţionale de Apărare „Carol I", 2006, p. 34.

[48] Cozmin GUŞĂ, *Rusia şi statele fostului Tratat de la Varşovia*, în Revista de politică internaţională, anul I, nr. 3, 2006, p. 50.

[49] Françóis de ROSE, **Al treilea război mondial nu a avut loc. NATO şi pacea**, Nemira, Bucureşti, 1998, p. 96.

[50] Radu-Sebastian UNGUREANU, *Comunităţi de securitate*, in Andrei MIROIU, Radu-Sebastian UNGUREANU, (coord.), **Manual de relaţii internaţionale**, Polirom, Iaşi, 2006, p. 249.

[51] Zbigniew BRZEZINSKI, *A plan for Europe*, in John T. ROURKE (ed.), **Taking sides. Clashing views on controversial issues in world politics,** Dushkin Publishing Group, Connecticut, 1996, pp. 20-28.

[52] Zbigniew BRZEZINSKI, apud. Eugen PREDA, **NATO. Scurtă istorie**, Editura Silex, Bucureşti, 1999, p. 110.

[53] Michel E. BROWN, *The flawed logic of NATO expansion*, in John T. ROURKE, **op. cit.**, pp. 29-43.

[54] Gilbert ACHCAR, **Noul război rece. Lumea după Kosovo**, Corint, Bucureşti, 2002, pp. 95-96, p. 78.

[55] Eugen PREDA, **op. cit.**, p. 109.

[56] Ibidem, pp. 110-111.

[57] Gilbert ACHCAR, **op. cit**., p. 43.

[58] Pierre LORRAIN, **op. cit**., p. 12

[59] Silviu NEGUŢ, **Introducere în geopolitică**, Meteor Press, Bucureşti, 2006, p. 83. However, Russia does not possess the veto right inside the Council. See Stanislav SECRIERU, *Politica externă putiniană. Final de ciclu?*, in Revista 22, anul XV, nr. 948, May 2008.

[60] Simona SOARE, *Parteneriatul NATO-Rusia. Mergând prost într-o direcţie bună?*, în Cadran Politic, nr. 45, 2006.

[61] Janusz BUGAJSKI, **op. cit.**, p. 298.

[62] Eliza FRÂNCU, *Putin a ţinut în şah NATO la Bucureşti*, in Gândul, online edition, April 2008.

[63] Natalya GIVORKYAN, Andre KOLISNIKOV, Natalia TIMAKOVA, **La persoana întâi. Convorbiri cu Vladimir Putin**, Editura Enciclopedică, Bucureşti, 2000, p. 154.

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EUROPE AND THE GLOBAL FINANCIAL CRISIS

Vasile POPA

Inevitably, the financial crisis that shocked from the ground the worldwide democracy's fief, the United States, spread engrossingly its tentacles on Europe, too. According to Romanian and foreigner specialists, here, just as in the US, the crisis nourished from some interventionist policies that undermined the market economy. The numerous errors produced on financing economy led to an erroneous allotment of a huge capital flow. Under these circumstances, the governments had to inject billions of Euros, in order to save the troubled banks.

In a first stage, the most consistent measures were taken individually, by the Union's member states which experienced most acutely the effect of the financial crisis on their own banking institutions. According to Jose Manuel Barroso, the President of the European Commission, EU had to adopt certain measures at community level, to firmly engage in the cooperation with other international partners. Such a purpose was aimed by the French, English and Italian leaders, and also by the President of the European Commission, M. Barroso, the President of the European Central Bank, Jean-Claude Trichet, and the President of Eurogroup (the organization of the Finance Ministries from the Euro zone), Jean-Claude Juncker, which decided to hold an emergency reunion, at Paris, on the financial crisis. The French government stated that this EU mini-summit aims to coordinate the EU member states' positions with the ones of G-8, the world's major industrialized democracies, comprising the United States, the United Kingdom, France, Canada, Italy, Germany, Japan and Russia, for wider discussions on the financial crisis with the other G-8 members, in order to seize the measures to be adopted in order to have the European states resistant in front of the turbulences from the international financial markets.

But this coordination has to be also done at Union's level. The media specialists asserted that EU's division gives fewer chances to Europe to follow the United States' example – from the very beginning, it started a plan about 700 billion dollars for counteracting the financial crisis, by overtaking the troubled banks' toxic assets. However, even the United States replaced this plan with another one, stating that the allotted funds should be used more effectively, directly investing in the troubled banks' capitals. "The financial crisis is not that serious in Europe, in order to need a rescue plan similar to the American one", stated Joaquin Almunia, the European Commissioner for Economic and Monetary Affairs. Such a plan was rejected by Germany and the United Kingdom. Angela Merkel, the German Chancellor, stated that Germany cannot and will not grant the banks a white cheque, and Gordon Brown, the British Prime Minister, said that they are not going to follow the United States' example.

The scepticism gripped both EU officials and the main member states' ones. The lack of a federal budget makes such a plan no to be applicable in Europe. But the member stated admitted it would be necessary, ascertaining the hard blows the European banks received and the only way to get out of this serious situation is to inject billions of Euros, in order to sustain them. On the other hand, the President of the European Central Bank stated that the EU's political structure is maladjusted to a common rescue plan, estimating that each member state should take its own decision, and not Brussels.

The economists state that this systemic crisis requires a systemic response. Therefore, the reunion of the national authorities, in order to coordinate the crisis responses and to look for adequate solutions at European level was well received. However, they warned that such a plan, aiming the rescue of the private banks with the national currency may lead to a "Balcanization of the European banking sector", while the close interdependence between the European banks requires a response at the European Union's level.

The response came with difficulty. This seems to be the reason why a member state, as Ireland, before the above-mentioned mini-summit, rushed to adopt a law granting the main Irish banks an unlimited governmental warranty, in order to protect them against the financial crisis. Also, other states did not wait for their banks to go bankrupt, but they instantly pumped money, as the Belgian and the Dutch governments, in order to save Fortis, as the French and the Belgian one for Dexia, the German one for Hypo Real Estate and the United Kingdom for Bradford & Bingley. In a couple of days, the United Kingdom will grant a financing of about 35 billion pounds (4,5 billion Euros) to their largest banks – HBOS, Royal Bank of Scotland, Lloyds TSB and Barclays. By these credits, the state has become the main shareholder at least in two of these banks.

Some politicians have also mentioned another perspective for resolving the crisis, the one of a profound reform within the financial system that has lost its breath. However, up to that moment, the Finance Ministries from G7 (US, Canada, Italy, Japan, Germany, France and the United Kingdom), during a meeting at Washington, have prepared a five-points plan, in order to counteract the worst financial crisis in the last 50 years, as mentioned by Rompres. Those five points aim to end the debit crisis affecting the Wall Street and the worldwide financial markets. According to this plan, countries engage to protect the big banking groups and to prevent their possible bankruptcies. Also, the group decided to ease lending and to support the banks' efforts to get funds from public and private sources. Placing money in deposits and revitalizing the mortgage market are also some of the objectives of the policies established by G7.

On the other hand, the leaders of G20 joined the G7 ones, showing, in a common statement, that they are united and ready to act in order to surpass the crisis. A very resolute step is represented by the G20 Summit held at Washington. By the end of this year, there were discussions about refunding the international financial and monetary system. The leaders of the states from the Euro zone, reunited at Paris, at 12th of October, have also discussed about a Pan-European plan for preventing the increase of panic that covered the financial markets. The East-European states and the Central-Asian ones are not immune at the turbulences generated by the global financial crisis that may slow down the

rhythm of the economic growth of the majority of the states from these regions, as officials from the World Bank warned. "States from the Eastern Europe and Central Asia feel the effects of the financial crisis that rises quickly. The structural reforms undertaken in the last couple of years in these regions aimed the implementation of healthy macro-economic policies which contributed at stopping the crisis, to a certain extent. At present, these countries have a larger degree of flexibility then ten years ago, but none of them is immune at the crisis' impact", as stated by Shigeo Katsu, the Vice-President of the World Bank for Europe and Central Asia.

Based on the above-mentioned plan, the amounts announced by the European officials are up to 2.200 billion Euros, considered as an astronomical amount by media, more than three times higher then the one mentioned in the rescue plan adopted by the United States. Therefore, Germany will grant around 500 billion Euros, France – 360 billions, Spain and Austria –100 billions each, Portugal – 20 billions. It is worthwhile that the United Kingdom was the first state to announce, one week before, an aid around 380 billion Euros, and Italy 40. For calming down the taxpayers, the president of Eurogroup underlined these amounts are not some presents offered to bankers, but the banks that are to be assisted will have to pay afterwards.

It was stated that the crisis' impact will be more acutely felt in the new Eastern democracies, when financial institutions will go bankrupt, by the depositors, when they see their lifetime savings vanished. An identical spectrum would also threat the Westerners that have more consistent deposits. EU started from such a premises when decided to raise up to 50000 Euros the minimum of the warranty for the bank deposits. Also, by the end of October, decided to double the crisis fund for the member states facing this sort of problems. The loans are available for all the states "seriously confronting or being threat with certain difficulties of balance of payments or capital movements". For the new Eastern democracies, as Romania, where most of deposits are not higher than 20000 Euros, a minimum of the banking warranty around 50000 Euros is too large. The developed European states have raised the minimum warranty up to 100000 Euros for the private deposits. Among the countries adopting such a measure we may

mention the Netherlands, Luxembourg, Spain, Austria, Belgium and Greece. In France, the minimum level, required by population, is at least around 70000 Euros.

If one or more banks would go bankrupt – something considered less probable for Romania, according to the statements made by the Romanian National Bank's Governor -, the quantity of the state warranty would recompose the people's savings, saving him from an eventual increase of inflation, prices and unemployment, but it would affect the national budget, that would have a negative impact on the future budgeting of the sectors that have a strategic importance for the state, the internal defence and security institutions. If we consider a GDP, for the new member states, also for Romania, that is mostly sustained by the labour force working abroad, and that will certainly diminish due to the downsizes (as it has been already announced by Spain, for around 35% of the Romanians working there), supporting the defence and security institutions will be more and more difficult, that would raise huge problems for continuing the programs required by our presence within NATO and EU, by the transformation of the national defence and security's institutions. Inevitably, there will be affected the commitments undertaken by the new member states for the community institutions, the national contribution at the European and international security. For a defence budget, that, for Romania, according to the Minister of Defence, around 1.5 from GDP in 2009, financing the endowment will be actually strangled, the decision on acquiring multi-role planes from foreign credits will be postponed, the multinational assignments will be also affected.

The international recession, that it is on its peak and that will be prolonged in the first part of 2009 – will increase the financial difficulties of the transition or developed economies, and, consequently, the risks on the European and global security. This is also the statement made by the British organization Oxford Research Group, that considers the actual financial crisis is the greatest threat on the world's security, as it may intensify the conflict between civilizations, by the negative influence of the social security systems and the appearance of some radical and violent social movements. Under these circumstances, we state that a larger attention paid to the key-sectors, the ones related with security and defence, is a requirement for all the NATO's and EU's member states, including Romania.

On closing the edition, Brussels is preparing a plan for the crisis, mentioning as actions: increasing the intervention of the European Investment Bank for supporting small and medium sized enterprises and the automotive industry; a rapid supplementary action from the European Social Fund for supporting the labour market, especially the most vulnerable population groups; mobilization for creating jobs in key-sectors of the European economy, especially by the European Globalization Adjustment Fund; a faster implementation of the programs financed from structural funds and larger investments in infrastructure and energetic efficiency; applying a lower level of VAT for ecological products and services and the areas for intensive production.

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MILITARY TRAINING AND EDUCATION ON INTERNATIONAL HUMANITARIAN LAW

Alin BODESCU

The respect for the law requires, from the participants to any law relationship, compliance with the spirit and letter of that law. Both of them have to be acknowledged, grasped and strictly applied by the subjects of relationships that law creates. In furtherance of this pledge, state hands over the intrinsic responsibility to its citizens, the potential subjects of International Humanitarian Law; eventually, there are individuals, either official authorities' representatives or soldiers, that make decisions and carry them out, holding them accountable for their deeds. This endeavour is called implementation of the law and as far as International Humanitarian Law is concerned, it was thought as a series of concurrent and complementary measures and efforts to make civilians and the military personnel familiar with the rules of humanitarian law, to set the appropriate structures, administrative arrangements and personnel required for compliance with the law and to create conditions for prevention and punishment of International Humanitarian Law violations.

This paper will address the likely options for military system in promoting the International Humanitarian Law through its specific means of training and education.

Key-words: International Humanitarian Law, integration of International Humanitarian Law, military education.

1. Subjects of compliance with International Humanitarian Law

International Humanitarian Law has two dimensions. One of them is that of granting rights by offering its services to the unprotected or less favoured civilian, wounded or ill soldier, the affected categories of an armed conflict. The other dimension is that of imposing obligations on those that are most inclined to violate the law, either because of their mission's nature, because of a neglectful behaviour or, even worse, on those who violate the law on purpose. These two dimensions give substance to the specific International Humanitarian Law relationship.

And because the criminal potential that latently exists in each human being is more prone to be waken up during war, both soldier and civilian who, at a given time, may endanger others fundamental rights in time of conflict are the customers of the compliance with the International Humanitarian Law process.

One of the paradoxes of war is that the same individual may become, by hazard, victim and criminal. This generic person, willingly or unwillingly, is most likely to fail obeying the International Humanitarian Law rules, but also to be entitled for receiving protection from the law.

Recognizing that education is a target-oriented process, we shall downgrade the above broad description into better identified categories, as it follows: (1) *armed forces*, as they are the primary participant in an armed conflict. Armed forces are at the forefront of this requirement, because they are not always amid the events but, as the lawful carriers of arms, they are the most exposed to wrongdoings; (2) the large mass of unprotected *civilian population*, with its representative - the regular citizen - which is the most exposed category to the violations of law and to the collateral horrors of war; (3) *public officials*, who take various responsibilities as provided by the International Humanitarian Law: legal advisers, chaplains, journalists and medical personnel; (4) *political leaders and decision makers*, as they draw the war plans and make the corresponding decisions to implement their provisions.

2. The implementation of International Humanitarian Law

As parties of the International Humanitarian Law Conventions, states are responsible to take initial measures to give life to the abstract law. *"The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances"* (art. 1, common to the four Conventions) are the words that give substance to the oath states hold since the adoption of the 1949 Geneva Conventions. In furtherance of this pledge, state hands over the intrinsic responsibility to its citizens, the potential subjects of International Humanitarian Law; eventually, there are individuals, either official authorities' representatives or soldiers, that make decisions and carry them out, holding them accountable for their deeds. So, how does state accomplish this mission, to make sure that International Humanitarian Law is respected? This endeavour is called *implementation* of the law and as far as International Humanitarian Law is concerned, it was thought as a series of concurrent and complementary measures and efforts to make civilians and the military personnel familiar with the rules of humanitarian law, to set the appropriate structures, administrative arrangements and personnel required for compliance with the law and to create conditions for prevention and punishment of International Humanitarian Law violations. Or, in other words, in order to be effective, a law must be obeyed; and for the law to be obeyed one should be familiar with the limits set by that law and, unlike peace time conditions, people at war must actively get involved in grasping the substance of International Humanitarian Law, the humanist spirit.

2.1. Dissemination

First of the implementation measures, *familiarization of civilians and the military personnel with the rules of humanitarian law*, has been progressively and differently approached over the last six decades by the ICRC, as the coordinator of the implementation process. At the outset of that great challenge, the implementation process stressed out the importance of *dissemination* of International Humanitarian Law. The drafters of the conventional International Humanitarian Law were aware that their work would have no value unless disseminated, so passing the abstract

of the rules to life was without any doubt an essential condition for the effective application of International Humanitarian Law. Thus the very first prerequisite of acquainting the law was specifically stated within every convention of International Humanitarian Law.

The Hague Convention of 18 October 1907, *Respecting the Laws and Customs of War on Land,* asks the States which ratified it to "issue instructions to their armed land forces which shall be in conformity with the Regulations respecting the laws and customs of war on land, annexed to the present Convention" (Art. 1). All Geneva Conventions and their additional protocols strenuously call for *dissemination* of the content and implicitly for that of the principles of humanity. "*The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programs of military and, if possible, civil instruction, so that the principles thereof may become known to all their armed forces and to the entire population"* (GC I/II/III/IV, Arts. 47/48/127/144). Furthermore, the 1977 Additional Protocols to the Geneva Conventions reinforced and developed the obligation to disseminate the letter of law (AP I, Art. 83; AP II, Art. 19). Moreover, as a corollary of all these recommendations to the states to spread as wide as possible the rules contained in Conventions and their Additional Protocols, Resolution 21[1] invited the signatory states to encourage: the *teaching of International Humanitarian Law, particularly to the armed forces* and the appropriate administrative authorities (…) in peacetime the *training of suitable persons to teach International Humanitarian Law* (…) the intensification of *teaching of International Humanitarian Law in universities* (…) the introduction of *courses on the principles of International Humanitarian Law in secondary and similar schools*. The *1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict* (Art. 25) and its 1999 Second Protocol (Art. 30) task signatories states to make sure that both their civilian and military personnel either engaged in the protection of cultural property or responsible for the right application of the convention to be fully cognizant with their provisions. Moreover, states are advised to update their military regulations

with specific guidelines and instructions on the protection of cultural property, and to develop training and educational programs in cooperation with UNESCO and relevant governmental and nongovernmental organizations. The *1980 Convention on certain Conventional Weapons* and its additional protocols confirm the rule and reiterate the need of integrating the text of these bodies of law into programs of military instruction (Convention, Art. 6, Protocol II, Art. 14, Protocol IV, and Art. 2). The *Convention on the Rights of the Child* (Art. 42) and its *Optional Protocol of May 2000 on the involvement of children in armed conflict* (Art. 6) also require states party to the convention to spread the contents of them in an appropriate manner.[2]

Among other factors[3], dissemination could play an important role in determining the parties to a conflict to actively contribute to the compliance with International Humanitarian Law. International Humanitarian Law is not a religion, but if it were to think about it as it would be, *dissemination* would be one of its *commandments*, dictated by the memory of the suffering humanity.

2.2. Integration

Monitoring the law in action, ICRC, as the guarantor of International Humanitarian Law, noticed, in 1977, that dissemination in itself with its accompanying activities had not been offering the foreseen results, and that additional measures were necessary. In that context, while efforts were made to ensure the International Humanitarian Law was being disseminated, a conclusion capable of discouraging that endeavour was arising: violation of law was still a problem. Several factors[4] were determined as contributing to these conclusions, **inadequate knowledge or understanding of the law** representing the most relevant for our topic. Concrete measures were required to translate the abstract of the rules into practical applications.

Consequently, ICRC launched a new concept, that one of *integration of law into education, training, doctrine and sanctions system.* This comprehensive concept asked for a behavioural development of armed forces whose outcome would be the integration of International Humanitarian Law spirit in their lives, guaranteeing that the operations would be conducted in compliance with International Humanitarian Law. None of those four sectors is an end in itself but each of them equally and complementary should contribute to a common end: the full compliance with the International Humanitarian Law.

Both *dissemination* and *integration* have been aiming the same end-state: a better compliance with the International Humanitarian Law in military operations. But, if dissemination was concerned more with *understanding* the letter of the law, integration gave weight to the *perception* of the International Humanitarian Law in a modern manner, by identifying and working with the concrete mechanisms and methods for the armed forces to *access* the spirit of International Humanitarian Law.

3. The role of the general education

Enabler, promoter and supporter of the respect of International Humanitarian Law, education has been called to contribute to the implementation process with their specifics ways and means. The most obvious task for education was that of familiarization of citizens with the rules of International Humanitarian Law, achieving the professional side of dissemination process. But implementation also implies the development of specialized structures and personnel to look after compliance with the International Humanitarian Law. The two aforementioned measures are best achieved by spreading knowledge of the provisions of International Humanitarian Law within a broad social context and by creating a base of personnel qualified in International Humanitarian Law, through the development of educational programmes, the recruitment and training of personnel.

The role of education to the compliance with International Humanitarian Law has been reiterated during several major events organized by the ICRC.

Trying to identify the degree of progress of implementation of IHL and to make the most relevant recommendations to improve this remarkable task, participants at 2003 ICRC Expert Seminars, a large scale gathering of specialists in the field, pointed out that *dissemination and education* were actions that had to be stressed, mainly in peacetime, and that their audience should include a broad range of people, from politicians to general public passing through the more specialized segment: military personnel.

In 2004, Dr. Jakob Kellenberger, President of the International Committee of the Red Cross concluded that "*The international environment has become more hostile in terms of respect for international humanitarian law* […]". According to his assessment, several factors contributed to that state of affairs: increased number of careless armed groups (…) the growing *tendency to dehumanize or demonize the adversary* (…) the misperception of the balance between *legitimate security concerns and the obligation to respect human dignity,* the dilution of role that *reciprocity in terms of respect for in international humanitarian law should play*. Consequently, the recommended solutions to compensate such a loss were *education and training programs*, along with fight against impunity.[5]

Making use of general education as a vector to carry out the implementation of International Humanitarian Law Nations has been differently understood by the nations. Denmark, for instance, initiated in 1997 a survey to better assess the status of the implementation of International Humanitarian Law. Among other recommendations of that survey report, one referred to the need to introduce the International Humanitarian Law, as a discipline, into the curriculum from the 8th to the 10th grade and at university entrance level.[6] Thanks to the ICRC initiative to spread knowledge to the youth population, through its *Exploring Humanitarian Law project*, even smaller and younger nations took similar measures, an example being Trinidad and Tobago which agreed to implement humanitarian law program in secondary schools, with the aim for young *people aged 13 to 18 to acquire a basic understanding of humanitarian rules and principles*.[7]

Trying to stress out the importance of integration of knowledge into one's behaviour, Olivier Vodoz, the vice-president of the ICRC in his address to the Senior Workshop on International Rules governing Military Operations held at Geneva (August, 6-17, 2007), remarked that "*Experience shows that providing teaching and training on humanitarian law is not enough to ensure compliance. Holding dissemination sessions and workshops on the law is no guarantee that combatants will comply with it during hostilities."[8]*

Looking for an answer to the question: *How to practically translate individual State duty to ensure respect into its policies and actions*,

experts participating at five seminars, on the topic "Improving Compliance with International Humanitarian Law", held in 2003 under the auspices of ICRC strongly advocated for the fostering of a **greater culture of respect for international humanitarian law** among all sectors of society, at national and international levels, with accent on civil society.[9]

The bottom line here is that there is a strong relationship between the soldiers' ethical and educational background, between the collective behaviour cultivated in various organizations, like schools, and the chance that education to achieve its goals with regard to International Humanitarian Law. Geoffrey Corn very well remarked that, among other factors that contribute to the compliance with the International Humanitarian Law, two of them are by far decisive: *quality of training and discipline among the armed forces and nation's core commitment to fundamental humanitarian values*.[10] To valorise these factors it needs an effective national education and training system whose products should be good citizens.

4. The military education and the critical requirements

Imagining a strategic context of implementation process (figure 1), one of the *sectors* would be the education with its subdivision, *military education*, contributing along with the other lines of operations toward the common **end state**: "*Compliance of all military personnel with International Humanitarian Law during military operations*". In order to reach that end state, the military education process should seek to accomplish the following **strategic goal**: "*All military personnel know the principles and rules of International Humanitarian Law; the extent of their knowledge will be commensurate with their duties and responsibilities*". On the way to the end state, several actors should develop specific programs, having military education objectives as an expression of their accomplishment. These programs, although not exhaustive, concur in the achievement of the strategic goal: (1) international Humanitarian Law foundation through Basic military education; (2) well-trained commanders and staff officers able to plan and advise commanders in full compliance with the provisions of International Humanitarian Law – the role of the higher military education;

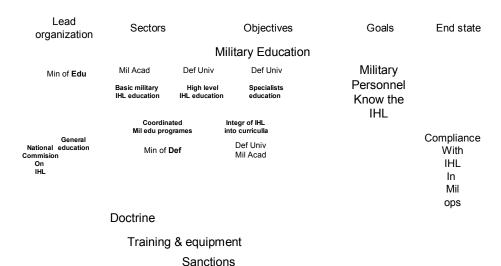INTEGRATION OF INTERNATIONAL HUMANITARIAN LAW
INTO MILITARY EDUCATION

Lead organization	Sectors		Objectives	Goals	End state
	Military Education				
Min of **Edu**	Mil Acad	Def Univ	Def Univ	**Military Personnel Know the IHL**	
	Basic military IHL education	**High level IHL education**	**Specialists education**		
		Coordinated Mil edu programes	**Integr of IHL into curriculla**		
General National education Commision On IHL		Min of **Def**	Def Univ Mil Acad		**Compliance With IHL In Mil ops**

Doctrine

Training & equipment

Sanctions

Figure 1. Strategic context

(3) the specialists' formation and (4) high level International Humanitarian Law teachers.

For better accomplishing each of the above objectives, we consider that the education system has to be supported with specific means. Some of them are critical and could be either external or internal to that system. We have identified two **critical requirements**: (1) the development of military education programs in a coordinated manner and (2) the integration of International Humanitarian Law into military curricula.

4.1. Coordinated military education programs

In the implementation chain, education should accomplish its portion after receiving guidance from a central body at national level in a coordinated manner with other components of that process. In 1998, ICRC issued some guidelines for organization of national bodies with responsibilities in the implementation of international humanitarian law.[11] It is that body that would **promote, advice,** and **coordinate** all *matters relating to the implementation of the law at national level, and to compliance with and development of the law*. As far as education is concerned, this national/ governmental body would be empowered to advise the national authorities for the *training and appointment of staff qualified in the field of humanitarian law, particularly legal advisers to the armed forces* (…) *encourage and*

support cooperation among various ministers and agencies in matters relating to International Humanitarian Law (…) and *should also be involved in the preparation of training programmes on humanitarian law for the armed forces and the security forces, and for any civilian or military authority with responsibility for the application of International Humanitarian Law. They should also be involved in developing educational programmes on International Humanitarian Law for schools and other academic and vocational institutions, including universities.* [12]

The 2003 ICRC Expert Seminars also remarked the need of national commissions for International Humanitarian Law, whose main mission would be the establishment of the national strategy for implementation of International Humanitarian Law within a common perspective, strengthening the universal character of International Humanitarian Law.[13] After a long process of negotiation among the responsible agencies, Romania set up in 2006, at governmental level, the National Commission on the International Humanitarian Law, whose main objective is to promote and implement in optimal conditions the provisions of International Humanitarian Law.[14]

Based on the national policy, all the military chain of command would follow the common thread initiated at highest level and integrate the International Humanitarian Law into the planning,

organization and execution of operations. Dimension of implementation process, the integration of International Humanitarian Law into military education is a top-down process that is triggered by the issuance of a military directive[15]. The Ministry of Defence must ensure that effective programs are maintained to prevent International Humanitarian Law violations, including the review of such programs in connection with any reported violation.

The coordination of military education programmes at all levels is the responsibility of Law Directorate from the General Staff, whose first concern must be meeting operational requirements. Monitoring, evaluating, considering recommendations, learning lessons from the operations and refining the initial program are key steps in the smooth completion of the program. This complex, multidimensional process towards reaching the end state requires a joint effort of various contributors with responsibilities in the promotion of International Humanitarian Law: National Defence University "Carol I", military academies (at service level), arms training centres (at service level), International Humanitarian Law Training Centre, military units and research institutes.

4.2. The integration of International Humanitarian Law into Military Curricula

Although efforts have been made to educate military personnel within the International Humanitarian Law framework, it is still room to improve the perception of the importance of this discipline. Instead of *fighting* to allot more and more individual and distinct teaching hours for the study of International Humanitarian Law, it would be better to focus the efforts for the integration of relevant provisions into other disciplines as part of the general curricula.

The likely questions any student may ask himself would be: S*o, what if we scholarly know the abstract rules of International Humanitarian Law? Is this a guarantee for the application of International Humanitarian Law on the field?* The integration of International Humanitarian Law into education process should follow, by extrapolation, the pattern of a foreign language learning process. Rather than perpetually shifting between mother language and foreign language correspondents, one would better learn to incorporate that foreign language into his mental mechanisms of thinking or to think in that foreign language. So does the integration of International Humanitarian Law for shaping our behaviour.

While trying to integrate International Humanitarian Law into education programmes, the integration strategists should follow the sequence of *so what* question (Table 1). Out of abstract rules, the answer of first *so what* should lead us to the operational implications of the rule. Following the same pattern, those operational implications say nothing by themselves and this is why they would further require a new *so what*. This continuous existential interrogation would eventually guide us toward a practical end, translated into measures, mechanisms or means necessary at education level to assure compliance, the ultimate objective of International Humanitarian Law.

The development of the integration strategy of International Humanitarian Law into education process and more precisely, into military curricula, is the responsibility of qualified teaching personnel (law professors) from the National Defence University "Carol I" or services' academies. They would identify the consequences each rule of International Humanitarian Law has for the educational process. The Frederic de Mulinen's *Handbook on the Law of War for Armed Forces*[16] could offer an essential support as teaching material directing the integration process.

It is obvious that it is more difficult to teach International Humanitarian Law out of the operational context, the law by itself could be arid and difficult for non-professionals. The alternative would be for each operational situation to identify the appropriate law provisions, and to make reference to them when discussing a relevant topic as part of a certain discipline during conferences, debates or exercises. If it is to take an example, while discussing about targeting from an operational perspective, it would be also feasible to make the legal remarks on principle of distinction, that oblige military commanders to distinguish between military objectives and civilian persons or objects, rule encapsulated in Article 57 of Additional Protocol I (Table 1).

What would be the requirements and strong points of International Humanitarian Law integration into operational package of curriculum? We may consider the following: (1) the operations package should address the legal aspects whenever

Legal provision	Operational implications[17]	Consequences for education/ curricula
GP I 57 – precautions in attack. 1. In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects. …SO WHAT? >>>>>>>>>>>>>> … 3. When a choice is possible between several objectives for obtaining a similar military advantage, the objective to be selected shall be that attack on which may be expected to cause the least danger to civilian lives and to civilian objects. …SO WHAT? >>>>>>>>>>>>	Precautions shall be taken to minimize civilian casualties and damage (e.g. moment and direction of fire, disabling non-military ship or aircraft rather than immediate destruction to allow rescue of persons. …SO WHAT? >>>>>>>>>>>> To reduce civilian casualties and damage, equivalent alternative objectives and targets shall be selected whenever the mission given permits …SO WHAT? >>>>>>>>>>>>>>	Discuss the legal provision relative to its impact to the following operational topics: • planning for contingencies • targeting • collection of information Integrate the operational implications into the following lessons: • Military decision making process • Military Intelligence Cycle • Targeting • Operations

Table 1. The integration of International Humanitarian Law in military curricula
(Based on ICRC model for International Humanitarian Law integration in education)

such a need arises; (2) for a coordinated integration of International Humanitarian Law provisions into other disciplines, the coordinator/ supervisor should be the law section that would decide the relevant provisions for each operational subject from the academic curricula, by ensuring that they are current and fulfil national program objectives International Humanitarian Law. That law rule would become the law insert for the operational lesson; (3) the law insert into operational lesson should be prepared by a law teacher following the same pattern of *so what* question as suggested by the ICRC (see Table 1); (4) each discipline director makes the appropriate arrangements to integrate into the discipline lessons the law insert; (5) consequences must be translated into teaching or training objectives that should be observed and against which students would be evaluated; (6) students are more interested to attend the military art lessons than a pure International Humanitarian Law lesson; (7) pure International Humanitarian Law lessons would be dedicated for debating law cases, and more general topics and clarifying difficult aspects of the law

In the Romanian National Defence University "Carol I", Crisis Management and Multinational Operations College (CMMOC) is the specialized institution that trains officers and civilian equivalents for command and staff appointments in a joint warfare and multinational environment.[18] The following considerations support the assertion that the CMMOC provides the best environment for testing and hosting a pilot program for the integration of International Humanitarian Law into military curricula: (1) courses run by the college address the joint and multinational environment, specific to the future conflicts; (2) the language of teaching is English, the common communication means for the multinational operations. Multinational staff will use mandatory English language to advise commanders and develop plans in accordance with the provisions of International Humanitarian Law; (3) trainers are experienced in operations where they felt the value of this body of law and are therefore credible; (4) the instruction method follows the pattern of *individual reading - receiving formal presentation - debating the subject- practising in exercises* offering the student the opportunity to better understand the relevance and importance of that rule; (4) the college is

often involved in the contingents' pre-deployment training.

Concluding, we can appreciate that the implementation philosophy of the International Humanitarian Law is as simple as that: it takes a good deal of coordinated effort in peacetime to be disseminated, integrated and thoroughly acknowledged, to make sure that it will be well applied in war time. Unfortunately, the results of this endeavour are evaluated in tough times of war, when it is so difficult to make the appropriate corrections.

NOTES:

[1] **Resolution 21,** *Dissemination of knowledge of International Humanitarian Law applicable in Armed Conflicts*, was adopted, along with other resolutions, by the participant states to the 4th session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts, held at Geneva from 17 March to 10 June 1977.

[2] *The Obligation to Disseminate International Humanitarian Law, Advisory Service on International Humanitarian Law,* http://www.icrc.org

[3] **Public opinion, mutual interests of the parties to** conflict, maintenance of discipline, fear of reprisals, disciplinary and criminal sanctions, fear of war.

[4] **Insufficient skills, faulty attitudes, wrongful** behavior, lack of adequate equipment, lack of will, *Integrating the law*, p. 15, http://www.icrc.org.

[5] **Dr. Jakob KELLENBERGER, S***triving to improve respect for international humanitarian law*, 2004, Official Statement, 28th Round Table on Current Problems of International Humanitarian Law, San Remo, http://www.icrc.org.

[6] *Implementation of international humanitarian law by Denmark*, 1997, International Review of the Red Cross no 320, pp. 583-590.

[7] **Sobhi TAWIL,** *International humanitarian law and basic education*, 2000, International Review of the Red Cross No. 839, pp. 581-599, http://www.icrc.org.

[8] **Workshop on the rules governing military** operations: welcome speech of ICRC vice-president, Olivier Vodoz, Geneva, 6-17 August 2007**,** http://www.icrc.org.

[9] *Improving Compliance with International Humanitarian Law*, ICRC Expert Seminars, Report prepared by the International Committee of the Red Cross Geneva, October 2003 http://www.icrc.org.

[10] **Geoffrey S. CORN,** *Developing Warrior Lawyers: Why it's time to create a Joint Services Law of War Academy*, Military Review, May-June 2006, p. 99.

[11] *Guiding principles concerning the status and methods of operation of national bodies for the implementation of international humanitarian law*, 1998, ICRC, http://www.icrc.org.

[12] Ibidem.

[13] *Improving Compliance with International Humanitarian Law*, ICRC Expert Seminars, Report prepared by the International Committee of the Red Cross Geneva, October 2003 http://www.icrc.org.

[14] Regulamentul de funcționare a Comisiei Naționale de Drept Internațional Umanitar 2007, published in Monitorul Oficial, Partea I nr. 812 din 28/11/2007.

[15] Armed Forces: Integration of International Humanitarian Law, http://www.icrc.org.

[16] Frederic de MULINEN, **Handbook on the law of war**, ICRC, Geneva, 1987.

[17] Ibidem.

[18] http://www.unap.ro/ro/unitati/cmcom/cmcom/index.htm

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STATUT ET ROLES DES SOCIETES MILITAIRES PRIVEES DANS LES CONFLITS ARMES ACTUELS

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Aujourd'hui, dans les théâtres d'opérations, à coté de forces militaires appartenant aux armées nationales, se trouvent fréquent des sociétés militaires privées (SMP) qui fournissent un travail par le contrat payée, qui consiste dans une large palette d'activités et de services au profit des participantes au conflit armé. Il faut retenir que les SMP ne s'engagent pas de mener proprement –dite de combats entre les belligérances, mais tout au plus elles défendissent leurs membres et leur objectif confié si ces –ci sont attaques. Dans ce but, elles disposent d'armements individuels et des moyens modernes de combat. En même temps, elles se distinguent aussi de mercenaires et de mercenariats, par leur manière de se constituer comme sociétés commerciales, leur façon de fonctionner et leur engagement de réaliser des différentes activités non-combattants et des services diverses au profit de leur clients.

Mots-clés: conflit armée, société militaire privée, implication, activites SMP, motivation.

1. Caractéristiques des conflits armés actuels

Si l'essence de la guerre, sa nature intrinsèque, n'a pas changé depuis que l'homme est ce qu'il est, son existence et ses manifestations, en revanche, ont fortement varié au gré des progrès techniques qui améliorent les armes, des mutations conceptuelles qui préconisent leur emploi sur le champ de bataille et des évolutions politiques et idéologiques qui font se mouvoir la volonté de l'homme en guerre et le poussent à utiliser la violence pour imposer celle-ci[1].

A présent, les conflits armes ont acquis et montrent une série de caractéristiques, parmi lesquelles se trouvent aussi les suivantes: les **contours de la guerre sont devenus plus flous** depuis l'Etat a cessé de détenir le monopole de violence légitime. Il y a une interpénétration de plus en plus fréquente entre la force armée et

d'autres acteurs impliqués dans les conflits armes. Aujourd'hui, par exemple, il existe une telle mélange entre les activités aux acteurs d'un conflit arme ainsi qu'il n'est souvent plus guère possible de faire la différence entre les réseaux criminels qui se targuent de revendications politiques, les résidus d'anciennes armées et les milices de chefs de guerre qui vivent de pillage ou du commerce de produits prohibés[2]; elles sont **„des Guerres de Basse Intensité"[3].** Une idée essentielle de la Guerre de Basse Intensité, est celle d'interconnexion entre toutes les composantes de la lutte. On substitue à la force comme moyen principal, une vision de guerre intégrale (On note la dichotomie entre les termes) qui revalorise les plans politico - idéologiques, socio-économiques et militaires, et on les conduit tous en même temps; **les nombres et la composition des victimes et des blesses des conflits armes**, à présent, ils sont différents de celle des précédents guerres. Ainsi, si jusqu'en XXe siècle, presque 90% d'entre morts et blesses en guerre étaient des combattants, mentaient, 80% d'entre victimes des nouveaux conflits armes sont des civiles[4]; **complexité.** Celui-la est donnée par les trois dynamiques des conflits armes – *décentralisatrice, globalisatrice et transnationale* – qui se produisent simultanément. Aujourd'hui, on assiste à l'interconnexion des facteurs locaux et des facteurs mondiaux qui génèrent et peuvent expliquer l'évolution récente des conflits armés; **fluidité**, c'est-à-dire la capacité de transformation rapide et permanente de l'ensemble de composantes des conflits armés. Cette fluidité redéfinit les acteurs, le mode d'opération et la dynamique générale des conflits du nouvel environnement international. Le conflit fluide est le résultat d'efforts systématiques pour rompre avec les routines et déstabiliser l'adversaire. Il est mené par les acteurs fluides, c'est-à-dire des acteurs susceptibles de se transformer très rapidement, de s'adapter à leur environnement stratégique

tout en le remodelant par leur mutation même; *variation rapide de l'organisation des conflits*. La mutation rapide des acteurs et modes opératoires a des conséquences directes sur l'organisation des conflits, qui se modifie elle aussi rapidement. La transformation la plus visible est celle du nombre et du type des acteurs impliqués dans un conflit. On a connu nombre de conflits internes – comme ceux du Liberia, du Soudan ou de Colombie – où le nombre d'acteurs variait rapidement, suivant les scissions des groupes rebelles ou la création par le gouvernement de groupes écrans. Un acteur peut se morceler, et une coalition se décomposer et se recomposer; *multiplicité des formes conflictuelles*. Les conflits armés actuels se caractérisent par le nombre important de systèmes conflictuels observables simultanément. Aujourd'hui, nous sommes les témoignes des conflits interétatiques, intra étatiques, interethniques ou religieuses parce que les guerres se déroulent dans l'intérieur des frontières nationales plutôt qu'entre pays ou des Etats distingues. Ainsi, 23 des 25 principaux conflits armés déroulant en l'an 2000 étaient d'origine interne selon Stockholm International Peace Research Institute [SIPRI] 2001; la plupart des conflits armés actuels sont non structurés et difficiles à prévoir. Ils impliquent souvent de multiples intervenants, chacun défendant ses propres intérêts, et la démarcation entre combattants et civils n'est pas toujours évidente. Presque toute la population participe a ces conflits soit comme combattants, soit comme victime; *les motives des conflits sont nombreuses et de nature diverse*: les facteurs idéologiques, l'accès aux ressources, l'origine ethnique, l'avidité, répartition du pouvoir au sein des entités sociales et des différents pays, les Etats vulnérables et l'absence de leadership.

2. Les sociétés militaires privées: caractéristiques et leur but

Les sociétés militaires privées (SMP) ou les compagnes militaires privées (CMP) sont constitues comme entreprises commerciaux avec le capital privé qui offrent, contre payement, en totalité ou partiel, des services qui, d'habitude, appartient au domaine de sécurité et défense. Des quelques années, ces sociétés sont fortement présentes dans les différents théâtres d'opérations du monde. Elle ont profitées d'un conjuncture favorable lié surtout des privatisation de nombreuses domaines de

l'activité étatique, mais, aussi du fin de la Guerre Froide qui a génère des réductions consistants dans les effectives militaires de presque tous les Etats, mesure qui a produit une disponibilité croissant des matériel militaire et des personnel qualifié.

A mon avis, les sociétés militaires privées se définis par les suivants caractéristiques: 1) elles *sont crées comme sociétés commerciales*. Autrement dite, leur essential but est d'obtenir un profit et, en même temps, en tant que des sociétés commerciales, elles disposent de: siège social; d'organisation propre; un patrimoniaux; un but déterminé; une relation bien définit avec les institutions de l'Etat dont elle ont leur siège. Les sociétés militaires privées ont comme objecte social légal déclaré les services de haute technologie, de former ou conseiller sur les problèmes stratégiques. Leur thalie varie des l'entreprise petite et moyenne aux firmes multinationales. Elles opèrent dans une marche ouverte et elles travaillent pour nombreux clients, duquel sont liées par des contacts légaux. Les sociétés militaires privées tendent, par conséquent, de se présenter comme des «entreprises» comme les autres firmes existantes dans une économie de marché. Les unes d'entre elle sont cotes à la bourse et liées de groupes industrielles d'armement, de constructions, d'électronique et de communications. Elles font leur bonne image publique et leur bonne réputation en affirmant qu'elles ne travaillent que pour des entités légales et des gouvernements légitimes. Les unes sont même dotées par «des codes de bonne conduite» (par exemple, International, Control Risks, Erinys, Hart, Olive et Omega Solutions)[5]; 2) *leurs membres sont d'anciens militaires* - du soldat au général – et des civiles congédies par les armées nationales après avoir les grandes mutations produits pendant l'années 1990, au sein de ces institutions. Tous sont des personnes définies par une haute qualification et par de compétence particulier au regard du domaine de sécurité et de défense. Par exemple, la firme Blackwater est le plus grande d'entre les sociétés contractuelles militaires privées qui opèrent en Iraq et en Afghanistan. Blackwater a était fondée en 1997 par Erik Prince, un millionnaire chrétien conservateur et ancien marsouin, rejeton d'une famille aisée du Michigan, dont les donations généreuses ont aidé à l'ascension de la droite religieuse et à la révolution républicaine de 1994, elle se compose de cinq compagnes spécialisées. Elle, par son statut, se

défini comme «la société militaire professionnelle le plus complète du monde», qui a par ses clients, les nombreuses sociétés multinationales, le Pentagone, le Département d'Etat de l'Etats-Unis. Cette firme est spécialisée au missions d'imposions à la loi, le maintienne de la paix et des opérations de stabilité; 3) *une palette large d'activités et de services qu'elles offrent à leurs clients.* Les sociétés militaires forment un groupe très hétérogène. Leurs activités peuvent se dérouler tant sur le territoire national que sur les théâtres externes, mais les services proposées ne sont pas les même[6]; *4) un lien étroite avec le Ministère de Défense et le Ministère d Externe de l'Etat dont elles ont leur siège social ou dont la majorité des leurs membres appartiens.* Par exemple, Military Professional Resources Incorporated (MPRI) a un étroit contact avec le Pentagone et le Département d'Etat des Etats-Unis; 5) *une importante dotation par les moyens techniques de pointe.* Ce fait représente le plus évident dans le domaine de l'informatique et des communications, ce pourquoi ces sociétés ont toujours une clientèle sélecte; 6) *sont différant de mercenariat.* Par leur mode de constitution, par le personnel engages, par les services offertes et le contexte dont elles accomplissent les taches assumées, les sociétés militaires privées ne sont pas similaires au mercenariat et ni leurs personnel aux mercenaires d'autrefois; 7) *elles agissent tant au plan national qu'au plan international.* L'activité des sociétés militaires privées se déroule tant en pays d'origine que dans le monde entière. Dans le pays d'origine, les sociétés militaires privées accomplissent des taches divers – de l'approvisionnement avec l'eau des unités militaires au formation et l'entraînement des personnel militaire et civil de l'armée - comme conséquence du processus d'externalisation par l'armée des unes activités et services. A l'échelon mondial, les sociétés militaires privées accomplissent des différentes taches non combattantes dans les théâtres d'opération où sont engagent dans les conflits les forces armées nationales ou les forces militaires d'une coalisation crée ad hoc et qui luttent sous l'égide de l'ONU ou d'autres organismes internationales impliquées en matière de sécurité et de défense. Dans ce sens, on peut rappeler les participations des différentes sociétés militaires privées aux activités déroulées au profit de forces de la Coalition militaire internationale de l'Iraq.

3. Implication des sociétés militaires privées dans les conflits armés

Le sociétés militaires privées offrent, de règle, à leurs clients les suivantes types d'activités: *le conseil militaire.* Cette activité comprend la consilience relative à la structure de la force armée et de l'achat d'équipement, mais aussi l'analyse de doctrines et la planification stratégique et opérationnelle. La référence en ce domaine est la société américaine MPRI, célèbre pour «*voir plus de généraux [à la retraite] au mètre carré*» que le Pentagone lui-même[7]. La mise en oeuvre de tels programmes participe d'une véritable stratégie de *marketing* et de conquête des marchés. Il s'agit de tester et de mettre en place un dispositif sur mesure, pour ensuite «*exporter*» ce concept dans d'autres pays; *l'entraînement militaire.* La société MPRI, par exemple, eut ainsi pour mission, en 1995, d'entraîner, d'équiper et de professionnaliser l'armée bosniaque[8]; *le soutien logistique aux opérations militaires représente,* d'autre part, une activité souvent déléguée aux sociétés privées. Cela inclut des prestations classiques liées à l'entretien des forces, comme la restauration ou la blanchisserie, mais aussi tout le domaine de l'approvisionnement – eau, carburant, munitions. La firme Kellog, Brown and Root (KBR) est ainsi en charge de la gestion des bases et des infrastructures des forces américaines stationnées dans les Balkans[9]. Les prestations de logistique s'appliquent également *aux opérations humanitaires et aux opérations de paix.* La société Dyncorp International a notamment remporté, en juillet 2003, un contrat du département d'État afin de fournir l'ensemble du soutien logistique aux opérations de secours humanitaire menées par les États-Unis en Afrique[10]; *l'assistance technique et de maintenance.* L'armée américaine a ainsi confié à des sociétés privées la maintenance de systèmes d'armes très sophistiqués, comme les bombardiers B-2, les avions d'attaque furtifs F-117, les avions de reconnaissance U-2 et Global Hawk, les hélicoptères Apache ou encore les systèmes de défense antiaérienne sur les navires[11]; *l'expertise dans le renseignement* fait aussi partie des services proposés. La société Diligence LLC souligne que son équipe est composée *d'anciens membres des services secrets américains, britanniques et russes*[12]; les **activités post-conflit** représentent en outre un secteur fort lucratif. Par exemple, la société

américaine Dyncorp mène, depuis 2005, un projet au Libéria pour un montant de 70 millions de dollars par an, qui consiste à démobiliser et à prévoir des mesures de réinsertion pour les anciennes forces du dictateur Charles Taylor, ainsi qu'à former une nouvelle armée[m]. La même société a pour mission de recruter et d'entraîner les nouvelles forces de police irakiennes et afghanes[14]. Des entreprises se chargent aussi des opérations de **déminage et de destruction des armements**, mais il s'agit-là d'un type particulier d'activité, réservé à des firmes spécialisées comme la société américaine Ronco en Irak, ou la société française COFRAS au Cambodge; les sociétés privées proposent *un éventail de services liés à la sécurité dans des environnements particulièrement instables, exposés par exemple à des menaces terroristes ou à la violence de groupes rebelle.* Elles assurent notamment la protection et l'escorte de convois liés aux missions humanitaires ou logistiques, et la surveillance d'installations sensibles. Elles peuvent aussi être sollicitées par des entreprises pour effectuer des expertises sur le terrain, afin de démontrer le degré de faisabilité de la politique d'implantation d'un groupe commercial ou industriel dans une zone géographique dont la stabilité n'est pas certaine – activité connue sous le nom de *gestion du risque pays*.

4. Raisons de recourir aux sociétés militaires privées pour accomplir des missions de sécurité et de défense

Le recours à des sociétés militaires privées répond, d'une part, à une logique rationnelle de l'externalisation des missions non combattantes de l'armée et d'autre part, aux enjeux politiques plus moins avouables. Cette évolution emporte des conséquences sur la conduite des opérations militaires. D'abord, le processus d'externalisation amorcée depuis une quinzaine d'années au sein des institutions militaires répond à deux considérations: d'une part, la recherche d'efficacité et d'une plus grand disponibilité des forces armées, et, d'autre part, le souci de réduire les coûts face à des budget de défense plus restreints.

Le recours de l'armée nationale à des entreprises de sous-traitance suppose ainsi de définir ce qui est «*externalisable*» ou non. Des tâches «*non-combattantes*» comme la formation et l'entraînement du personnel, le transport, le ravitaillement, ou les activités d'entretenir des espaces et des moyens de combatte pourraient être confiées à des civils. La complexité croissante des équipements nécessite en outre des compétences techniques spécifiques que des sociétés privées peuvent plus aisément fournir. Il s'agit pour l'armée, de tirer profit de certaines compétences du domaine civil, par exemple en matière de transmissions ou d'imagerie satellite.

D'ailleurs, aujourd'hui, on constate que les armées sont de plus en plus investies dans des missions non militaires (opérations les autres que la guerre comme dite le doctrine militaire des Etats-Unis), c'est-à-dire, des actions humanitaires, ou plus généralement actions civilo-militaires. Or, les sociétés militaires privées pourraient être mieux préparées à remplir ce type de mandat. Ainsi l'entreprise Pacific Architects and Engineers est-elle chargée de la logistique militaire américaine et de la gestion d'experts du génie pour soutenir les opérations de paix en Sierra Léone, au Libéria, en Côte-d'Ivoire[15].

L'externalisation des fonctions de défense s'inscrit également dans une logique de rationalisation économique. Cette évolution permet, de fait, une certaine souplesse dans la gestion des effectifs. Il n'est plus nécessaire d'entretenir une vaste armée, notamment pour les petits pays. On peut faire appel à des sociétés privées, qui ne sont payées qu'en fonction des besoins. Il n'y aurait en outre, plus de frais de structure ou de couverture sociale.

En ce qui concerne les enjeux politiques du recours aux sociétés militaires privées représentent surtout, en réalité, une économie de «*coûts politiques*». Utiliser discrètement des entreprises permet en effet d'échapper au contrôle des parlementaires, des médias et de l'opinion publique, mais aussi de mener des opérations en marge de la position officielle.

Le recours à des auxiliaires privés permet tout d'abord de limiter l'impact des morts de soldats sur l'opinion publique, faisant écho à l'objectif politique du «*zéro mort*». En effet, un civil américain tué en Irak n'a pas le même effet médiatique que le retour au pays d'un cercueil orné de la bannière étoilée. Lorsqu'un «*mercenaire*» meurt, on est tenté de penser qu'après tout, c'était le risque qu'il avait bien voulu prendre. Les pertes parmi les civils sous contrat ne sont d'ailleurs pas comprises dans le décompte officiel des morts[16]. Contrairement

aux règles en vigueur pour les victimes militaires, la diffusion de ces informations est à la discrétion des employeurs.

Plus généralement, faire appel à des sous-traitants est un moyen pour le gouvernement de «*garder profil bas*» en envoyant un nombre restreint de militaires dans les théâtres d'opérations. Cela permet surtout de contourner les limites aux effectifs imposées par le législateur. Ainsi le Congrès des États-Unis a-t-il plafonné à 500 le nombre total de militaires américains pouvant stationner en territoire colombien[17]. Mais aucune limite n'est fixée à la présence d'auxiliaires privés. Par conséquent, plusieurs centaines d'employés de DynCorp sont à l'oeuvre depuis 1991 pour entraîner l'armée colombienne, fournir des renseignements et participer à la fumigation aérienne des champs de coca dans le cadre du Plan Colombie visant à lutter contre les narcotrafiquants[18]. Les appareils de la société ont fait l'objet de tirs plus d'une centaine de fois, sans pour autant faire les gros titres des journaux.

D'autres part, l'intervention des firmes privées est bien plus discrète que celle de l'armée. L'envoi de conseillers civils permet donc de camoufler un acte politique et une présence militaire de l'État pourvoyeur. Les sociétés militaires privées constituent ainsi, selon la formule d'Olivier Hubac, «*une force d'appoint en politique étrangère*»[19] qui permet d'intervenir en sous-main. En cas de dérapage, il sera d'ailleurs plus facile pour l'État de nier les faits. D'ailleurs, il est vrai que les sociétés militaires privées ne sont pas des prestataires services neutres. Assistance technique signifie souvent en fait intervention. Par exemple, l'armée croate a bénéficie des avantages de l'assistance technique américaine mais par le biais d'un organisme privé.

Il y a aussi à craindre que des prestataires de services se retirent précipitamment d'une opération si celle-ci s'avérait trop complexe ou dangereuse. Le recours à des auxiliaires privés introduit donc davantage d'incertitude dans la conduite des opérations militaires. De plus, les employés des sociétés militaires privées ne font pas partie de la chaîne de commandement, et ils peuvent à tout moment décider de quitter leur poste. Si un employé démissionne, la société a l'obligation de le remplacer, mais les effets négatifs sur le succès de la mission en cours resteront. L'armée peut solliciter au tribunal de sanctionner ces qui ont transgresse le contracte, mais cette chose ne résoudre pas les problèmes qui appartient de mener à bien le combat a une moment donnée. Le sanctionne intervienne pourtant après avoir terminée de l'opération qui a été affectée pour rupture de contrat.

De pointe de vue strictement des prestations, les interventions des firmes privées se passent selon des règles convenues antérieures à la situation concrète du théâtre d'opérations. De plus, des problèmes importants résultent du fait que les sociétés militaires privées ne sont pas soumises au commandement et au contrôle direct de l'armée, car les sociétés militaires privées fonctionnent comme des entités autonomes, qui ne sont pas subordonnées à la hiérarchie militaire. Cela entraîne, en premier lieu, des dysfonctionnements graves en termes de coordination. Il est par exemple fort possible que des sociétés privées entreprennent des actions tactiques, afin de remplir leurs obligations contractuelles, mais qui complique en définitive la réalisation des objectifs stratégiques fixés par le commandement militaire. Il est vrai aussi que ces firmes sont souvent coupées des réseaux d'information de l'armée. Les militaires estiment en effet qu'ils n'ont aucune raison de partager des renseignements confidentiels avec des entités qui, non seulement échappent à la chaîne de commandement, mais qui en outre recrutent des Irakiens ou des ressortissants de pays tiers. En réalité, les relations entre les forces armées et les sociétés militaires privées sont loin d'être toujours cordiales, ni même dans un esprit de collaboration[20]. Le recours de plus en plus massif aux sociétés privées pose ainsi des problèmes de cohabitation entre deux types de «*soldats*». Les inégalités entre les uns et les autres créent inévitablement des tensions.

Conclusions

L'activité de prester par les sociétés militaires privées des services qui appartiennent du domaine de la sécurité et de la défense indique le fait que, aujourd'hui, nous assistons au phénomène de limitation du monopole de l'Etat en matière d'usage de la violence physique légitime. A présent, les Etats ne hésitent pas de faire sous-traitance d'une parte significative ou non de ce monopole aux acteurs prives et, en même temps, ces-ci ne voient pas un inconvénient dans le fait que des ressources et des prestations militaires qui étaient jusqu'à

présent un monopole gouvernementale puissent être fournisses par les compagnes privées, pour toutes les entités étatiques ou non étatiques contre une simple rémunération.

L'intervention croissante dans le domaine militaire d'un agent motivé par les considérations commerciales implique une mette en cause du concept traditionnel d'Etat. Cette chose a lieu pendant que la tendance d'utiliser les sociétés militaires privées est présente dans tous les pays, indiffèrent qu'ils sont puissants, faibles ou délinquantes. En outre, les activités des compagnes militaires de sécurité posent une série de graves problèmes politiques et éthiques qui doivent prendre en compte.

Cependant, notons *qu'aucune société militaire privée ne propose actuellement des missions de combat.* Mais, les civils sous contrat se sont souvent retrouvés mêlés aux hostilités. Il faut garder à l'esprit qu'ils interviennent, avant toute chose, en zone de guerre. Ainsi, les sociétés assurant la sécurité des oléoducs disposent-elles de matériel comparable à celui des troupes de la coalition multinationale présente en Irak. Les gardes sont équipés d'hélicoptères UH-60 Blackhawk et ont recours à tout l'armement individuel classique lorsque a été besoin[21].

De plus, le fait d'externaliser une partie du soutien opérationnel nécessaire à l'armée peut bien sûr avoir un impact tactique et stratégique considérable sur la conduite des opérations militaires. Tout d'abord, le recours à des sociétés privées a pour effet de mêler des logiques économiques à l'organisation de la guerre. Il nuit par ailleurs à l'unité de commandement et de contrôle requise lors des opérations militaires. Dans ce contexte, une prime difficulté réside en fait que les sociétés militaires privées ont, par essence, des priorités qui diffèrent de celles d'un gouvernement ou d'une armée. Ainsi persistera-t-il toujours une tension entre les objectifs de sécurité de l'État commanditaire et l'objectif de maximisation du profit d'une société commerciale.

Naturellement, l'activité des sociétés militaires privées va connaître une évolution ascendante dans les années prochaines. C'est pourquoi s'impose tant au niveau national qu'au niveau international de règlementer de pointe de vue juridique le statut et les rôles que ces sociétés assumes, en général, et surtout pendant qu'elles prestent des activités et des services au profit des armées nationale ou des coalisations militaires internationale qui agissent sous mandate de l'ONU pour accomplir de missions diverses – l'imposions de la loi, le maintienne de la paix et des opérations de stabilité, etc.

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NOTES:

[1] Voir: François DURAN, *Définir les conflits actuels/1. L'approche geometrique: symetrie, dysimetrie et asymetrie*, http://reflexionstrategique.blogspot.com/2007/10/dfinir-les-conflits-actuels-1.html

[2] Heinfried MÜNKLER, **Les guerres nouvelles**, Ed. Alvik, Paris, 2003, p.11.

[3] Voir: *Le Guerre de Basse Intensité*, http://www.confidentiel.net/rubrique.php3?id_rubrique=32, *Les trois fronts de la Guerre de Basse Intensité*, http://www.confidentiel.net/article.php3?id_article=291.

[4] Heinfried MÜNKLER, **op.cit.**, p.30.

[5] Cf. Stéphanie JUNG, *Les nouveaux entrepreneurs de guerre*, http://www.infoguerre.fr/fichiers/SMP_nouveaux_entrepreneurs_guerre.pdf, p.17.

[6] Ces activités seront présentées dans le chapitre 3 de cet article (N.A.)

[7] Cf. Stéphanie JUNG , *op.cit.*, p.18.

[8] Ibidem, p.19.

[9] Peter W. SINGER, **Corporate Warriors: The Rise of the Privatized Military Industry,** Ithaca & London, Cornell University Press, 2003, p.45.

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[21] Peter W. SINGER, cité par James DAO, *For God, country and wallet: America's privatised armies are here to stay,* The New York Times, Avril 3, 2004.

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SECURITY OF COMMUNICATIONS AND VIRTUAL PRIVATE NETWORKS

Dan ANDREESCU

The explosive development of computer technique and computer networks triggered a significant increase of attacks launched against computer systems.

Even from the appearance of the computer networks, the issue of its security was generally raised and, in particular, the issue of transmission of sensitive information through it without a third party having the possibility to use or modify it.

Protection of communications and information became a priority of concerns of all kind of organizations, either military or non-military, which became a mandatory requirement in the process of design of security of an IT system.

All these considerations imply the existence of methods to protect information sent and to identify in a unique manner the persons having access to such.

Banking applications such as transfers or data transmission require on a mandatory basis the use of the digital signature, of identification and encryption of data transferred through the network.

This article tries to present a field of communications security which is under full development and which, in addition to the VPN applications, which are the spearhead fighting against ill-intended or curious persons attempting to alter, read or copy the information with a certain level of secrecy transmitted through an unsecure environment such as the Internet, is also based on other sub-fields such as steganography, cryptography, packet tunneling and their routing on certain communication lanes.

As an example of improvement of communication security through the public networks, we presented in this article the three implementations, which occurred with the sole purpose of securing data transport between two geographically separate networks communicating through a hostile environment.

Key-words: security, network, virtual, private.

Network security has become an important problem of contemporary society, in which the IT component is a priority and is based on more extended and diversified computer networks.

Changes occurred in our society by the daily use of the IT resources impelled the explosive development of the calculation technique and computer networks. Thus, an intense development may be noticed in respect of communication systems, protocol, cable and wireless networks. These uses determine the considerable increase in the data transfer speeds, for very low prices, accessible not only to institutions, but to all users, either natural or legal persons. The spectacular development of the networks is due to the explosive evolution of technology and, at the same time, to the development of infrastructure servicing them.

New facilities appeared in the form of services offered by specialized institutions, with a scope covering a wide range of services from cable telephony and until the payment of invoices or accessing an account attached to personal card, through the telephone or even by Internet Banking. Under such circumstances, it is obvious that IT attacks during transmission and processing of electronic data may cause important damages which shall be in direct proportion to the value of information transmitted by the network subject to attack and which are comparable, from the economic standpoint, with natural disasters.

All these attacks mainly based on vulnerabilities of the operation systems led to the increase of the fight to create safe computer networks. Practically, the security of a network may be achieved when the following two main components of such are put together: *Security of network computers and security of communications.*

Why VPN?

A private network is formed of the computers and equipments existing in the network of a single

institution of, why not, of a group of persons, when a domestic user is at issue, putting together the data they hold. Usually, such data are protected by the Internet network through a router or a router-firewall, by other protection equipments and technologies.[a] This type of network is delimited from the public network through a gateway-router and a firewall with the main role to keep intruders and their attacks outside the private network.

Until some time ago, the companies with multiple office, separate from the geographical standpoint, had large problems of interconnection of local networks, which were in the form of islands in an informational ocean, as the Internet. Communications between these networks and even between the local networks of partner companies were made with difficulty and in a very expensive manner, through modems and rented communication lines.

Virtual private networks (VPN) represent a solution for such problem, offering secured communication lanes over an infrastructure based on a public network, i.e. through the Internet. They offer the advantage that they are cheaper, firstly because of the extension of the infrastructure on which the Internet is based and because they are able to offer secure communication lines, for low prices, being no longer necessary to have data lines separate from the Internet network through which to transmit the data. At the same time, they may offer obviously higher transfer speeds by reference to the lines based on modems, i.e. speeds expressed in GB/second.

These virtual private networks offer the advantage of new technologies largely based on encryption. They use data encryption, users authentication, package tunels and firewall.

What is VPN?

A virtual private network (VPN) is a network allowing the access of users in a different geographical location to connect using a public connection as means therefor. VPNs maintain the same security and management policies as a private network. From the financial standpoint, this manner of connection between remote users and the company's network is the most efficient one.

A virtual private network may offer several manners of information protection, i.e.: confidentiality, integrity, authenticity of data and access control. By all these elements, a virtual private network may reduce the risks of attack but it cannot fully remove them.

There are three types VPNs:

VPN access - it ensures remote access for the intranet or extranet of a client through a common infrastructure. For this, analogical lines, dial, ISDN, DSL, IP mobile and cable technologies for the secure connection of the mobile users and branches.

VPN intranet - it connects the central offices of the company, remote representative offices and branches to an internal network through a common infrastructure, using dedicated connections. The particulars of this type of VPN is the access permitted only to the company's employees.

VPN extranet - it connects the clients, suppliers, partners to the company's network through a common infrastructure, using dedicated connections.

VPN accesses allow the connection of a variety of users, from a single mobile user to an entire branch.
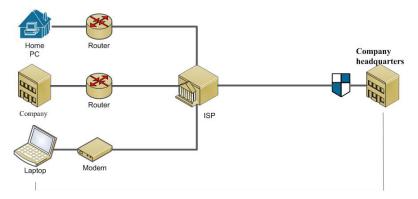

Figure 1. VPN connection

For connection, a L2F tunnel (layer 2 forwarding) is used, the ISP environment becoming transparent for the user. The tunnel creates a secure connection over the unsecure environment of the Internet.

Figure 1 presents various modalities of connection through a VPN of a company office with an employee at home, with another office of the same company or with a mobile equipment of an employee on a business trip.

Types of VPN architectures

From the standpoint of the type of equipment connected at the end of the tunnel, there are three main types of virtual private networks architecture: **Gateway-to-Gateway, Host-to-Gateway and Host-to-Host.**

Gateway-to-Gateway Architecture ensures the secured transfer of data between two networks through two VPN Gateway servers, installed one in each network.

Normally, these equipments should fulfill only the function of VPN Gateway or, at most, the function of firewall and router.

The advantage of this type of architecture is that it may carry, in a protected manner, one or several local networks on a public network infrastructure interconnecting two or several offices of an institution, transporting various classes of IPs or traffic.

The VPN security solution may only protect the traffic between the two VPN Gateway servers, the security within the local network being ensured by other specific equipments and technologies.

Figure 2. Gateway-to-Gateway Architecture

This architecture is one of the most widespread, maybe because of the fact that, by two equipments, without the intervention of the users in the network but with the intervention of only a specialized person, the secured connection of a network in another geographical location is ensured. Practically, this technology may be used without installing other applications on the user' computer or without the user having to identify itself each time it uses the resources offered by such.

Host-to-Gateway Architecture ensures the secured transmission of data between one or several "host" equipments and a VPN Gateway server. This architecture is the most usually used for secured "remote access" connections.

The advantage of this type of architecture is that it may connect users from an unsecured network to the resources in a secured network. This architecture is very useful when the user is in another geographical location, at a business
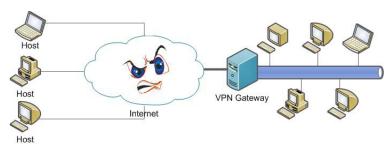

Figure 3. Host to-Gateway Architecture

meeting and requires the resources offered by the private network of the company with which it is employed.

When the user intends to initiate the connection with the VPN gateway server, first, the VPN gateway server shall request it to identify itself and, after that, the connection may be established. Authentication may be made even by the VPN gateway server or through a server intended for identification.

The major disadvantage of this architecture is the need of intervention by the user to establish connection. The user should at least authenticate the "host" station to the VPN gateway server Another problem would be the existence of an application more on the user's computer, through which the connection to the VPN gateway server may be made..

Host-to-Host Architecture ensures the secured data transmission between two "host" equipments. They may be a station and a server, separated by a public network, to which such connect themselves.

This architecture is used when an encrypted connection is wanted between two distinct equipments, such as a remote connection to a server through an unsecure infrastructure in respect of security.

Within this architecture, when the user intends to initiate the connection with the VPN server, first, the VPN server shall request it to identify itself, as in the case of host-to-gateway, and, after that, the connection may be established.

VPN Implementations

IPSec is a cumulation of public standards ensuring safe communications over public networks.*IPSec offers an increased protection of data and is the most protocol protocol for the implementation of VPNs.* IPSec was designed to offer control of access, integrity of connection, authentication of data origin, protection against replay attacks and confidentiality by encryption. Because IPSec operates at the IP level, all types of traffic above this level may be protected without changes in the higher levels or applications.
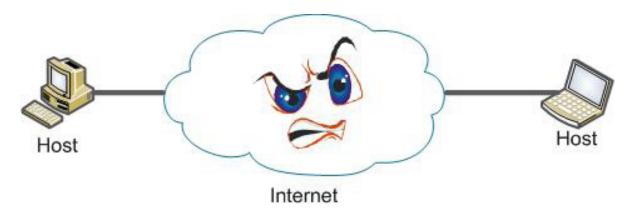

Figure 4. Host to-Host Architecture

IPSec may operate on routers, firewalls, application servers and users' stations. IPSec gateway machines may protect data circulating between private networks.

IPSec is a collection of protocols and algorithms:

✓ *Authentication Header (AH)* - a security protocol ensuring the authentication of data origins, data integrity and replay attack detection service

✓ *Encapsulating Security Payload (ESP)* – a security protocol using DES and 3DES for data encryption.

✓ *Data Encryption Standard (DES)* – an

encryption algorithm based on secret keys. It encrypts a 56 bytes text block in a text block of the same size using the secret key. For 3DES, the same process is used three times but with different keys, resulting a key of 168 bytes. Decryption is made with the same keys.

✓ *Advanced Encryption Standard (AES)* – uses keys of 128, 192 or 256 bytes, being more secure than DES.

✓ *Message Digest 5 (MD5)* – a hash algorithm producing a summary of 128 bytes used for the authentication of the data package.

✓ *Secure Hash Algoritm (SHA)* – an algorithm

producing a message of 160 bytes. It is stronger than MD5, but slower because of its length.

✓ *Internet Key Exchange (IKE)* – a combination between SKEME (Secure Key Exchange Mecanism), Oakley and ISAKMP (internet security association and key management protocol) used for the establishment of a common security policy and for the authentication of keys for IPSec. IKE allows the automatic authenticity and exchange of keys over a public network without losing confidentiality. IKE communicates on the UDP 500 port using a two steps process:

• stage 1 – the security association ISAKMP are established to secure stage 2 of the IPSec negotiations.

• stage 2 – a pair of IPSec unidirectional associations is established.

✓ *Diffie-Hellman (D-H)* - encryption mechanism for public keys

✓ *Perfect forward secrecy (PFS)* - a security mechanism preventing an attacker from decrypting the data to come, even if it knows the current encryption key.

✓ *Digital certificates and certifying authorities (CA)* - it includes the public key of the certificate holder, the expiry date and digital signature.

SSL is a flexible protocol applicable in several cases, but the purpose for which it was created was the Internet, appearing as a need for securing trade and other Web type transactions.
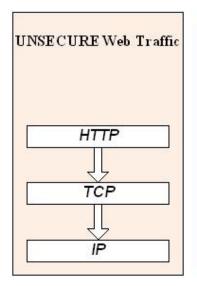
It was launched for the first time by Netscape Communications. Version 1.0 was never launched to the public; and version 2.0 was launched in 1994 but "*it contained a high number of security breaches which eventually led to the launching of SSL version 3.0*", which was launched in 1996.

The first three versions of the SSL protocol were developed by Netscape together with the support offered by the Web community, this being an open protocol although technically speaking, it was the property of Netscape.

At present, SSL is an integral part of all Web browsers and servers, although for most of the users it is almost unperceivable appearing most of the times in the form of a prefix of a Web address, of a website to which we connect in a protected manner – *https:*

SSL protocol offers security of communication by being inserted between the HTTP applications and the TCP. SSL protocol was intended to be and was built only as a security protocol adding practically another level in the protocols' architecture through which an Internet connection is made. When its development began, the intention was that it protects the Web applications but, on the way, it reached to also secure other applications using the Internet, as for instance FTP and NNTP.

SSL is a client-server protocol in which the roles of the communication partners are established in advance. In order to operate, this protocol requires at least two systems of which one is the client launching the secured connection to the server, which answers the client's request.
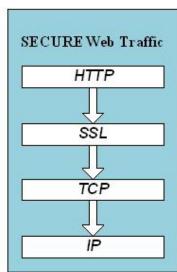

Figure 5.HTTP and HTTPS Architecture

In our case, the Web browser is the SSL client and the Web site has the role of the SSL server.

In order to establish a secured connection between the two equipments, first an exchange of 9 messages takes place between the two equipments.
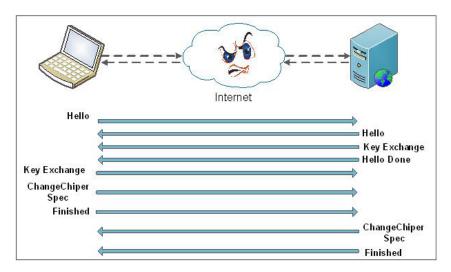

Figure 6. Carrying out connection negotiation messages

The steps to be taken by the two systems upon negotiation of a secured connection are as follows:

1. Client sends a message *Customer Hello,* proposing SSL options;

2. Server replies with the message *Server Hello,* selecing SSL options;

3. Server sends its public key with the message *Server Exchange of keys;*

4. Server ends its part of negotiation with the message *Server Hello ended;*

5. Client sends encrypted information (with the public key of the server) on the session key in the message *Client Exchange of keys;*

6. Client sends the message *Activating negotiation options* for the purpose of activating negotiated options, being valid for all messages it shall send;

7. Client sends the message *End,* to let the server verify the options which have been just activated;

8. Server sends the message *Activating negotiation options,* for the purpose of activating negotiated options, being valid for all messages it shall send;

9. Server sends the message *End,* to let the client verify the options which have been just activated.

OpenVPN, as revealed by its name, is an open applciation, developed by James Zonan in 2001. This was periodically improved since then and proved to be one of the best VPN solutions for secure communications through hostile environments.

On 13 May 2001, the first version of OpenVPN was launched, which had number 0.94 and which was hardly tunneling packages by UDP and encrypted only with the Blowfish algorithm and used SHA HMAC for signature.

Version 1.0 was launched in March 2002 and offered identification based on SSL/TLS and exchange of keys.

OpenVPN is not as complex as IPSec but it uses a protocol very intensely used in the secured transport of data, which is SSL/TLS and a package of encryption libraries making it as good as or even better than IPSec.

It offers the advantage that it may work on a large number of operation systems, i.e.: Linux 2.2+, Solaris, OpenBSD 3.0+, Mac OS X Darwin, FreeBSD, NetBSD, Windows (Win 2K and higher)

As compared with IPSec, OpenVPN may also work from an user with with user credentials, which automatically leads to an increase of security and stability of the IT system.

However, as compared with OpenVPN, which is a technology open to the large public for testing and improvement, IPSec is a standardized technology.

Conclusions

In a world in full expansion as far as the computer equipments are concerned, serviced by a Internet network which is more and more vast and complex, security of the network and of the equipments forming part of it becomes an increasingly important thing without which a computer may not last more than five minutes in a public network without being attacked.

Security of communications may be obtained easier by using these types of VPN and VPN architectures, which have been presented above in this article. If "open source" applications are used, then security of communications may be achieved without costly financial implications.

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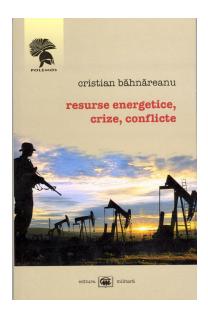Stephen A. THOMAS, SSL & TLS Essentials – *Securing the Web*, John Wiley & Sons, 2000.

NOTES:

[1] Example of equipments and technologies for protection of a local network – server with Antivirus management, accessing of network resources through a server of Port Knocking, Honeypot, Operating System Updating servers, IDSs, Backup servers and, recently, email pre-processors for removal of SPAM-type emails.

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ENERGY RESOURCES, CRISES, CONFLICTS

In the last years, besides the politico-military threats to security there are debates on threats generated by the intensive consumption of energy resources. In that sense, the Military Publishing House bring into attention of the advised public and not only, a new book from Polemos Collection, entitled **Energy resources, crises, conflicts,** published in 2008 with the assistance of the National Authority for Scientific Research. The author, **Cristian Băhnăreanu, PhD,** scientific researcher in the Centre for Defence and Security Strategic Studies from National Defence University "Carol I", analyses, in 296 pages, the correlations between national, regional and international security and hydrocarbon resources, taking into account the international economic policy, major actors and their opportunities to achieve the security and energy strategies' goals.

The scope of this paper is to respond to a consequent question, generated by the specialists' concerns: Energy resources are factors of security or insecurity?, in these times, when the security of supplying with energy became a common problem of the contemporary world's major actors. For the success of this approach, the author analyses: the states attitude towards energy resources; the strategies and policies in that field; the states

(nations) dependences and independences in a world of interdependences and globalization; how many interdependences cover inequitable relations between international actors; how many economic inequities endanger states' security.

The first chapter, "The security concept in contemporary world", is dedicated to the actual problematic of the security concept both thru different acceptations in international relations system and at security dimensions level. Beginning with presentation and critic analysis of theories and concepts that set the study of security, the author moves his analysis to economic dimension of security appealing to the last decades launched concepts such as economic warfare, energy security and risk society. The analysis isn't restricted to the theoretical level, but is sustained by an analysis grid of the main state and non-state actors, based on power concept and its distribution in international system.

In the chapter "The energy resources of contemporary world. Security or insecurity factors" the author deeply explores the energy problematic making a relevant inventory of capacities and hydrocarbon resources of the most important actors from world energy scene, of significant changes and evolution tendencies of energy policies and strategies of the major players, and of the interdependences between these. Essential is here the correlation made by the author between the world distribution of oil and natural gases and the main conflicts from around the world. In order to complete the whole picture, the author gives the concrete situations where the energy constitutes a reason for energy, economic or even military disputes between more or less important actors from actual power hierarchy.

The chapter "The Black Sea, Caucasus and Central Asia (Caspian) in world energy balance" is all about the geopolitical, geostrategic and geoeconomic problems of the Black Sea – Caucasus – Central Asia (Caspian) space, where take place the rawest competition for hydrocarbons. Here are bringing into the light the characteristics and

vulnerabilities of this space and on these the author outlines the politico-military and energy interests of major regional and international actors and the modality how these are promoted on national, zonal and regional level.

Finally, the last chapter entitled "The national security and energy security of Romania in European context" constitutes the most important part of the book. Starting from the roadmap of our country to the statute of EU member is developed a forecast of relation between national security and energy security of Romania in the context of Romania's integration in the European structures. In the first phase, here are deciphered the relations between political factor and economic and security problems. Then, in analysis equation are introduced the national strategies (security, energy, post-admission) as important programmatic documents that shape the present and perspectives of our country in national security and energy security field. The author observes the fact that realistic forecast about the correlation between energy resources – sustainable development, especially on Romania case, can't be done without any correlations with specific regional and global evolutions. In that sense, on the end of this chapter, the author formulates some energy scenarios in the near future and on these he identify the place and role of our country in energy and security regional and international balance. The main possible evolutions are about a catastrophic scenario that says the humanity is placed towards a direction of raw competition for resources of major states and state groups or an economic cooperation scenario which is based on idea that the European Union and Russian Federation economies are somehow complementary and interdependent.

The scientific approach proves the fact that promoting a new vision on energy security concept which must include multitude of new facets of energy equation is needed, but also new specific regulations. Doubly so as on the one hand all developed economies depend on energy resources all over the globe and the limited character and exhaustion spectrum are more evident. On the other hand, the amplification of countries interdependence on these resources exploitation conduct to new and complex problems with relation to necessity to provide all countries access to resources in order to sustain their economic development.

Consequently, this book brings into attention the reality that energy problematic has major implications on each state' security, giving the fact that possession or control of energy resources doesn't ensure security on all levels. Presumable, the peaceful future of Terra will be closely related with achieving of a cooperative energy security, as author ends his book.

V.P.

TERRORISM
Studies and researches on the terrorist phenomenon

The paper called "**Terrorism. Studies and researches on terrorist phenomenon**", written by **Cristian Delcea** and **Aurelian Bădulescu** and recently published by Risoprint Printing House from, aims a rigorous study on the terrorist phenomenon, using the most recent specialty papers. It also intends to be a theoretical fundamental guide on the contemporary terrorism, in order to surprise the causes and the effects of the acts that recourse to antisocial criminal acts. The paper approaches the theories, hypothesis, types and educational means in order to prevent and eradicate terrorism.

The first chapter approaches the concept of terrorism, trying to overcome the multitude of irrelevant concepts on the forms of terrorism. The study presents a higher methodological rigour and conceptual ranging of the phenomenon called terrorism, in a field which is notable by a terminological ambiguity from cultural, political and religious perspective. As in this field there is no well-defined terminological consensus, the authors try to bring arguments on defining terrorism. The latest studies prove the forms for manifesting terrorism are different of the labels which have no theoretical content, both internally, and externally.

In the second chapter, the authors refer to the most important theories about the terrorist phenomenon, trying, on one hand, to shape the concept of manifesting the terror, and, on the other hand, to overtake the characteristics of the actions' causes and effects on the behalf of those ones resorting to antisocial facts.

In chapter III there are mentioned the types of terrorism. The reason of this enumeration has relevance for explaining the forms for manifesting terror, which have evolved lately.

Chapters IV, V, VI and VII approach the terrorism's psychology-sociology, legislation and geopolitics: recruiting new members and their inclusion in terrorist groups, their antisocial personality, the convictions, cognitions and ideologies at stake, the hostile attitudes towards the state and religious governments, their motivations and suicidal acts. In the chapter about psychology and terrorism there are also approached their abilities, skills and knowledge in a specific field, the terrorist career or profession, from the perspective of cognitive-behavioural sciences.

The last part of the book refers to the topic of research, using the latest studies for understanding this aspect and the eradication of all the associated forms or converging to terrorism, both at statement and procedure level. The authors assert that one of the means for preventing terrorism is the anticipation of the terrorist attacks. As a matter of fact, they present some programs for prevention and the required parameters for having these programs successfully in place in the ensemble of the social system. As a whole, the book brings theoretical landmarks, useful for the students interested in humanities disciplines, for the researchers specialised on terrorism, for the officers and non-commissioned officers subordinated within security structures, and for the ones interested in this field, as it also a mean for reflection and a challenge for the future researches on the terrorist phenomenon.

I.C.

THE ACTIVITIES OF THE CENTRE FOR DEFENCE AND SECURITY STRATEGIC STUDIES

OCTOBER – DECEMBER 2008

The last part of the year was full of important scientific activities for the researchers within the Centre for Defence and Security Strategic Studies. The most ample was the Annual International Scientific Session, Policies and strategies on managing conflictuality that took part in November 20-21. Romanian and foreign scientific researchers (from, Bulgaria, the Czech Republic, Ukraine), from military and civilian institutions, presented papers. The communications and the debates stressed out the possible evolutions of conflictuality in Europe and in the world, and the need to adjust to the needs of the reality the regional and global security institutions and the main political actors' behaviour. Globalization proves that the resources and the threats on the actual security environment may be successfully managed only by coordinated efforts on behalf of all state and non-state actors. The matter of defence, as an important function of the modern state, undertakes radical changes. At their turn, they produce important mutations within the military phenomenon and the armies' transformations, but also in the international security environment.

Researchers from the Centre for Defence and Security Strategic Studies within the National Defence University "Carol I" took part in different scientific internal and international activities. In October, in Hague, the Netherlands, the chief of the Section for Studies and Researches participated, as an observer, to the SSR Training Module organised under the aegis of the European Security and Defence College (ESDC). The training was for members of civilian and military institutions with basic knowledge on the Security Sector Reform and possible candidates within this sort of missions.

In December, CDSSS hosted a delegation from CeMiSS (Italy) and there were held discussions on developing security in the Black Sea and in the Mediterranean Sea area. There were especially debated issues on the security in the Black Sea area after the military conflict dated August 2008 between Russia and Georgia. other topics included Russia'a political, economical and military problems and the situation within the Balkans, especially Kosovo and the recognition of its independence.

In 2009, as usual, the Centre will be involved in organizing the Annual Scientific Session STRATEGIES XXI, section on Security and Defence, that will be held in April, 9 – 10. Information on the enrolment conditions to this session will be posted on our website, http//cssas.unap.ro.

The most important activities organised by CDSSS will be the Seminar on "Strategies for cooperation in the Black Sea Area" that will be held in May 27th, and the Annual International Scientific Session, "Security and defence perspective in Europe" that will be held in November 19-20.

Irina CUCU

INSTRUCTIONS FOR AUTHORS

On selecting the articles there are taken into consideration: the area of the subjects presented in the magazine, the actuality of the topic, its novelty and originality, its scientific content and the adequacy to the editorial norms adopted by the magazine. The article should not contain any party political connotations.

The papers' scientific evaluation is done by two scientific experts that are either professors or senior fellow researchers.

The article, written in a foreign language (English, French) may have maximum 10-12 pages (6.000 – 7.000 words) and has to be sent both in print and paper, using Times New Roman font, size 12, one line, and the tables and schemes have to be printed separately. The translation into Romanian will be provided by the editor.

The text has to be preceded by an abstract which is not to exceed 250 words, both in Romanian and English and not more than 10-12 keywords. The papers have to be signed adding the authors's scientific degree, name, first name, name and have to end with a short curriculum vitae, 60 words maximum, specifying the professional qualification, the institution he comes from and other information considered neccessary, including the e-mail address.

The footnotes are to be included by the end of the article and have to respect the international regulations. Authors can publish only one article by issue.

The text has to present an easy structure, using titles (subtitles). The abbreviations will be marked on the text only at their first mention on the text. It is likely to end the papers with some important conclusions regarding the importance of the research.

The articles will not use classified information.

As the magazine does not have a profitable purpose, the articles cannot be paid.

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